



Posted: Friday, November 06, 2015

NOTICE AND CALL OF A SPECIAL MEETING OF THE TRINIDAD CITY COUNCIL

The Trinidad City Council will hold a special meeting on
TUESDAY, NOVEMBER 10, 2015 at 6:00 PM

CLOSED SESSION BEGINS AT 5:00PM

- I. **CALL TO ORDER**
- II. **PLEDGE OF ALLEGIANCE**
- III. **ADJOURN TO CLOSED SESSION**
 1. Government Code section 54957: Personnel Review – City Manager Performance Evaluation
- IV. **CLOSED SESSION REPORT**
- V. **APPROVAL OF AGENDA**
- VI. **APPROVAL OF MINUTES** – *June 30, 2015 scc, August 12 cc, August 26 scc, September 09 cc*
- VII. **COUNCIL MEMBER REPORTS, COMMITTEE ASSIGNMENTS**
- VIII. **STAFF REPORTS**
- IX. **ITEMS FROM THE FLOOR**

(Three (3) minute limit per Speaker unless Council approves request for extended time.)
- X. **PROCLAMATIONS & ANNOUNCEMENTS**
 1. Proclamation 2015-03: Great American Smokeout
 2. Proclamation 2015-04: In Recognition of Kenzie Mullen for Dedicated Service to the Trinidad Library.
- XI. **CONSENT AGENDA**
 1. Financial Status Reports for September 2015.
 2. Law Enforcement Report October 2015
 3. GHD Scope of Services for the Water Treatment Plant Operations and Maintenance Manual.
 4. Master Agreement for City Planning Services with Streamline Planning Consultants.
 5. Agreement with Streamline Planning for Services with Coastal Commission LCP Grant Project.
- IX. **DISCUSSION/ACTION AGENDA ITEMS**
 1. Discussion/Decision regarding Planning Commissioner Appointment.
 2. Discussion/Decision regarding HCAOG proposal for a \$30,000 polling study for a Countywide Transportation Tax Measure
 3. Discussion/Decision regarding Vacation Dwelling Unit Ordinance Implementation, and request for direction regarding Intent for "1-VDU per parcel" language.
 4. Annual Unmet Transit Needs Hearing.
 5. Discussion/Decision regarding Amendments to the Redwood Coast Energy Authority JPA to Facilitate the Development of a Community Choice Aggregation Program.
 6. Discussion/Decision to send letter to the Coastal Commission encouraging protection of Scenic Views as a condition of the proposed Homan Subdivision on Stagecoach Road.
- X. **ADJOURNMENT**

APPROVAL OF MINUTES FOR:

JUNE 30, 2015 SCC
AUGUST 12, 2015 CC
AUGUST 26, 2015 SCC
SEPTEMBER 09, 2015 CC

Supporting Documentation follows with: **25 PAGES**

MINUTES OF THE SPECIAL MEETING OF THE TRINIDAD CITY COUNCIL
TUESDAY, JUNE 30, 2015

I. CALL TO ORDER

- Mayor Fulkerson called the meeting to order at 6:00PM. Council members in attendance: West, Fulkerson, Baker, Winnett. Miller – **ABSENT**.
- City Staff in attendance: City Manager Dan Berman, City Clerk Gabriel Adams, City Planner Trever Parker.

II. PLEDGE OF ALLEGIANCE

III. ADJOURNMENT TO CLOSED SESSION

1. Discussion regarding Active Litigation in the case of Tsurai Ancestral Society vs City of Trinidad; Pursuant to Government Code section 54956.9(b) and/or section 54956.95

IV. RECONVENE TO OPEN SESSION – No decision to report.

V. APPROVAL OF AGENDA

Motion (Baker/West) to approve the agenda as amended. Passed 4-0.

VI. APPROVAL OF MINUTES – May 13, 2015 scc, May 20, 2015 scc.

Motion (Baker/West) to approve the minutes as written. Passed 4-0.

VII. COMMISSIONERS REPORTS

West: HCOAG agenda included discussion about Last Chance Pass grade, expected lifetime of the roadway, and impacts of major slide north on 101.

Fulkerson: RREDC announced hiring of Greg Foster as new Executive Director. Also gave brief comments about local transit and made comparisons with discoveries during her recent trip to Vienna.

Baker: Attended County Emergency Services meeting

Winnett: Nothing to report.

City Manager Berman: Highlighted and announced various updates, including:

- Attending regular Tsurai Management Plan Team meetings.
- Attended Trinidad Rancheria/CaTrans interchange team meetings.
- Attended BLM Trinidad Head Management input meetings.
- Drought update.

VII: PROCLAMATIONS & ANNOUNCEMENTS – None

VIII. ITEMS FROM THE FLOOR

Carrie Payton-Dahlberg – Trinidad Chamber of Commerce Fish Festival update and introduced the new brochures.

Mike Reinman – Trinidad

Concerned that the new Planning Commissioner has a strong personal bias against him and his business that could become a conflict during discussions regarding his properties.

IX. CONSENT AGENDA

1. Financial Status Reports for May 2015.
 2. Correspondance – Accept and File Letter submitted to the Board Of Supervisors Re: General Plan Land Use Map Designations in the Luffenholtz Creek Watershed.
 3. Authorize County Recording of 2013 Library Lease between the City and the Trinidad Coastal Land Trust.
- Motion (West/Baker) to approve the consent agenda. Passed 4-0.*

X. DISCUSSION AGENDA

1. Report on Community Goals Survey Results

City Manager Berman explained that a Community Goals and Projects meeting was held this spring that captured a wide range of project ideas and goals from the community members that attended. A subsequent effort encouraged people to prioritize among the over 100 separate ideas captured at the initial meeting. 60

ballots were received and tallied. As the ballots asked people to list their top 14 items in order, the votes for each were recorded as worth 14 points for a #1 ranking, down to 1 point for a #14 ranking.

The top 20 ranked items are listed below, along with the points they received in the prioritization and Staff's attempt at grouping ideas by category:

Project Ideas from Spring 2015 Community Goals Meeting	Total Rank Score	Category
Increase sheriff department time/presence. Have deputy be more proactive in enforcing rules and regulations. 7 days/week police presence, especially at night (9pm-5am)	186	Public safety
Protect water quality, and develop long-term plan for water, ensuring adequate and safe water supply for future generations.	177	Freshwater Resources
Increase live in : vacation ratio	172	Community Character (VDU)
Preserve forest around strawberry rock. Pressure Green Diamond to cancel two timber harvest plans around strawberry rock.	165	Strawberry Rock/Forestry
Return city to a community of residents—moratorium on vacation rentals and phase out—decide on limit	159	Community Character (VDU)
Keep people from camping on city property, especially museum, library and city park	147	Transients
Photo-Voltaic Solar Panels (PV) on City Buildings	143	Environment/Climate
Protect and enhance the fishing village qualities that remain	138	Community Character
Kids have a skatepark supported by our community	135	Parks
Keep forests intact to increase O2 and decrease CO2, aka lungs of the earth. Maintains water quality. Increases biodiversity, habitat, native flora.	120	Forest-Parks
Have more library hours	116	Library
Build/improve relationships with local tribes. Respect indigenous people and land. Honor indigenous cultures and sacred sites	116	Native American Partners
Encourage more basic commercial facilities (laundromat, etc.)	114	Community Character
Regularly pick up litter	109	Community Character
Liberate Trinidad's Head open space from the commercial cellular communication facility	103	Views - T Head Cell Tower
Save surrounding forest from clear cutting	101	Forestry
Restored Luffenholtz Creek watershed. Upstream restoration, drought-resistant re-vegetation, develop plan for groundwater recharge. Engage with all landholders. "What if Luffenholtz Creek goes dry?"	96	Freshwater Resources
Forest stewardship should drive decision making	91	Forestry
Be examples of health forests, watersheds and biodiversity	88	Forestry
Reduce transient population	86	Transients

Council members thanked the community for participating, and thanked City Manager Berman for presenting this report. There were no public comments.

No decision. Presentation item only.

2. Appoint Committee for Community Design Awards

Mayor Fulkerson explained that Trinidad has an active citizenry in countless ways. Residents care about their community and work to maintain attractive landscaping, housing, retail and community spaces. We presented these original designations in 2011.

It is easy to look at what is missing, what doesn't work and where the messes are. It is, therefore, important to recognize Good Work of a community. By doing so, we recognize the talents and efforts of our citizenry. This process would recognize work of citizens to enhance the visual appearance of the village and improve first impressions of visitors.

Trinidad's "Shared Community Vision Statement" emphasizes "Trinidad as a rural coastal community nestled in the forest along the Pacific...is clean and well-maintained...there are small shops in a quaint rural business district."

Proposal:

A citizen's committee of five members, selected by the Council will meet to determine which residents, households and businesses best achieve high standards of design reflecting the values of the Village of Trinidad.

Categories for awards:

- Outstanding Alley Design and Maintenance
- Outstanding Retail Store and Landscaping Design
- Outstanding Commercial Signage
- Outstanding "Fishing Village" Exterior Remodel
- Outstanding Secondary Unit Design
- Outstanding Coastal and Native Plant Landscaping
- Outstanding Energy Efficiency Remodel
- Outstanding Vacation Dwelling Unit Design

Pool of possible awardees:

Locations within the City limits of Trinidad.

Process for selection:

There will be no official nomination process, although residents are encouraged to suggest candidates/addresses for consideration. Names and addresses of potential awardees may be submitted to the Design Award Committee for consideration.

Committee members will individually tour/walk the City of Trinidad in order to consider all potential award candidates. Members will gather information and bring to the committee for consideration.

Awards will be made at a City Council Meeting within two months of appointment of the Award Committee.

There was no public comment.

By consensus, the Council members agreed to each nominate 1-person to the committee.

3. Consider Adoption of Final Budget for Fiscal Year 2015-2016

City Manager Berman explained that the proposed FY 2015-16 City of Trinidad budget is hereby presented to the Council for adoption. A public meeting that included a presentation of the draft budget was held on May 20, 2015. At that meeting the Council generally supported the proposed presentation. A brief summary of the overall budget and highlighted items follows.

Summary Budget Numbers and Highlights

Expected General Fund Revenue: \$ 581,485
Expected General Fund Expenditures:

Administration	\$ 322,433
Police	\$ 106,181
Fire	\$ 34,370
Public Works	\$ 161,904
Expected Total GF Expenses:	\$ 624,887
Difference (Deficit)	\$ 43,403

The projected deficit for FY 2015-16 will be more than covered by a net General Fund Surplus in the current year just ending. The projected deficit may not be realized, based on the last few years where a projected deficit became an actual surplus by year end.

While the FY2014-15 Budget projected a deficit as well, based on numbers to date we expect a net surplus of ~ \$ 75,000. This surplus arises from a combination of 'real' savings, where expenses were substantially less than anticipated, and unfinished projects which are being carried forward into the current year. The City is maintaining its goal of a General Fund balance of around \$1 million, which has been essential for cash flow purposes, especially given the City's heavy reliance on grants which are retroactively reimbursed.

Personnel:

- Continuation of 6.025 full time equivalent (FTE) positions with Grant Manager allocated 25% to General Fund (\$17,500) and 14% to the Water Fund (\$10,000).
- Funding for 3% across the board salary adjustments plus a six month 2.5% promotional progression for eligible employees in accordance with the procedures set forth in the Employee Policies Manual
- Medical insurance factored at a 12% increase January 2015. (This is a guessing game)

General Fund Revenues

- Status quo most revenue sources with slight increases.
- Sales tax is highest revenue source at \$200,000, and half of that being the voter approved additional 3/4% sales tax add-on.
- Transient Occupancy Taxes estimated at \$120,000.
- Property Taxes estimated at \$97,500.
- Reflects transfer-in of \$30,000 gas taxes and transportation development act funds to offset transportation related expenses and pro-rated salaries of public works employees working on road-related activities.

General Fund Administration (1.6 FTE)

This budget unit funds pro-rated employee salaries, liability, property and casualty insurance, contracted planner, building official, attorney, financial contractor, bookkeeper, auditor, lease of city annex and new library, utility costs, distribution of transient occupancy taxes (TOT), office supplies

The City will continue to distribute 12% of our Transient Occupancy Tax Revenue back to local entities as follows: Chamber of Commerce 60%; Museum 30%; Library 10%. Reports from those entities on use of these funds in the prior year are attached.

- Attorney costs are estimated at \$20,000, which includes \$10,000 toward defense of litigation(s)
- Building Official \$8,000
- Distribution of 12% of prior year TOT receipts (\$13,200)
- Planner activities budgeted as follows*

General Plan	\$ 10,000 (Match to State Grant)
VDU	5,000
Planning Commission	4,000
Permits (offset by revenue)	5,000
Code violations	2,000
Stormwater permit issues	1,500
Miscellaneous, general planning	9,500
TOTAL	38,000

*excludes separately funded OWTS and LCP projects

General Fund Law Enforcement (.10 FTE)

- Contract for law enforcement services \$150,644 + 8hours/week supplemental on site law enforcement availability @ \$90/hour (\$37,440)
- \$100,000 anticipated to be funded by Community Oriented Policing Services (COPS) revenue, same as has been the case over the last several years.
- Animal control services \$1,500

General Fund Fire

- Building extension at fire hall to better accommodate equipment (\$23,000) (Carried forward from prior year)

General Fund Public Works (1.03 FTE)

Budget includes pro-rated staffing costs, town hall, annex and library supplies, street paint, signs, trail and park maintenance.

- Implementation of Tsurai Management Plan (Trails, Signage, ...) (\$20,000)
- Grant match for Van Wycke Trail (\$7,000 – if grant is awarded)
- Remodel city clerk office (\$10,000) (Carried forward from prior year)
- Pavement Maintenance Treatment on Main and Trinity Streets (\$8K General Fund, \$17K in State Transportation Funds)
- Transfer-in \$30,000 from gas tax/transportation funds

Integrated Waste Management (.28 FTE)

Budget includes pro-rated staffing costs, franchise revenue and AB939 pass through from Humboldt Waste Management Authority.

Revenue:	\$ 12,200
Expenditures:	\$ 19,655
Difference (from fund balance)	\$ 7,455

The difference of \$7,455 can be absorbed from the fund balance (~\$26,000 as of 6/30/2014). The program may be incorporated into the General Fund once the fund balance is depleted.

Cemetery (.35FTE)

Budget includes pro-rated staffing costs and plot sales.

Revenues:	\$ 9,500
Expenditures:	\$ 24,951
Difference (from reserve)	\$ 15,091

As of April 2015 cash assets in this fund were approximately \$138,000. At some point in the future there may be a need to consider increases in plot sale amount or contributions from the General Fund.

Water Fund (2.3 FTE)

- New Flow Monitoring Equipment for Luffenholtz Creek (required by our Water Rights) (\$18K)
- New Leak Detection Equipment (\$10K)
- \$15,000 set aside to Water Reserve Fund
- Implement backup system for recently upgraded SCADA (computer operation) system.
- Prioritize Water Line Replacement Projects

Revenue:	\$ 312,000
Expenditures:	\$ 292,772
Difference (add to fund balance)	\$ 19,228

Water Reserve Fund is at previously set goal of \$800,000. Infrastructure replacement costs for our water lines are substantial. Staff priorities this year include using the new leak detection equipment to prioritize line replacements, and evaluating additional water supply and storage options.

Council comments included:

Winnett: Are the reserves too large? **City Manager Berman** explained that the reserves are not too large, noting that one or two large incidents (infrastructure disaster or lawsuit) could break the bank.

Baker: Would like to discuss the potential for more law enforcement staffing in the future.

Fulkerson: Support including the City Manager in the 3% pay increase for staff.

Public comment included:

Jim Cuthbertson – Trinidad

Please fix the sound system so I can hear you speak. Do we get credit for the times when our deputy leaves town?

Jonna Kitchen – Trinidad

Capping vacation rental permits perplexes me - considering how much the city needs this revenue to operate.

Susan Rotwein – Trinidad

There needs to be more money in the budget for additional law enforcement services.

Motion Baker/West to:

1. Approve Resolution 2015-04 adopting the FY 2015-2016 Annual Budget.
2. Approve the 3% pay increase for staff and City Manager Berman. **Passed 4-0.**

4. Public Hearing and First Reading of Ordinance 2015-01 – Stormwater Control Ordinance

City Manager Berman explained that this Stormwater Control Ordinance will provide the City with the legal authority to control stormwater that is required as part of our existing permit to discharge stormwater into the Trinidad Bay. Staff presented this ordinance in draft form at the prior two Council meetings.

Since our last meeting, staff has removed the Water Efficient Landscape portion of the Stormwater Ordinance because the State Water Resources Control Board is in the process of updating the statewide model ordinance upon which this section was based. Staff felt it would be better for the Council to leave this section out until the revised version of the model ordinance is available.

Several comments and concerns expressed at the May meeting regarding the draft Stormwater Ordinance are addressed below:

- **How will pre-existing French drains and gutter drains be affected by the proposed ordinance?** Roof gutter drains should be directed into the yard for infiltration, and not discharged into the street. According to the proposed ordinance, certain types of non-stormwater discharges (e.g. French and footing drains) may be allowed if they are "essential for emergency response purposes, structural or slope stability or occur naturally."
- **What limitations would there be on washing a vehicle?** Wash water from your car should not be flowing into the street, as it contains both soap and dirt. The underlying principle is that residents and businesses are not allowed to discharge polluted water to the City's system. The recommended practices for car washing include going to a car wash facility or washing the vehicle somewhere the wash water doesn't enter the street and stormwater system.
- **The responsibility between the City and homeowners should be delineated.** For the purposes of this ordinance, the homeowner is responsible for preventing polluted water from leaving their property - water leaving a homeowner's property should be composed only of unpolluted rainwater or naturally occurring groundwater. The City is responsible for preventing polluted stormwater from discharging into the Trinidad Bay from the stormwater system.
- **Will there be some type of guidance available to residents, businesses, etc... about the new stormwater regulations?** The City has a variety of brochures available that describes how to prevent stormwater pollution a variety of circumstances. The City will also develop resources to be available on the City's website for commercial and industrial facilities, as well as construction sites. Development and building

projects can look to the *Interim Humboldt Low Impact Development Stormwater Manual*, which is available as a guide for all development and building projects.

The second reading of the ordinance will take place at the regular August meeting. There was no public or Council comments.

Motion (West/Baker) to approve the first reading of Stormwater Control Ordinance 2015-01. Passed 4-0.

5. Consider Public Hearing and First Reading of Ordinance 2015-03 - Amending the VDU Ordinance regarding the issue of Multiple Vacation Dwelling Units on a single parcel

City Manager Berman explained that the City's Vacation Dwelling Unit Ordinance was approved by the Coastal Commission at their meeting of March 11th 2015, and is now in effect. That Ordinance specifically allows only one VDU per parcel. On April 8 the Council requested that staff bring back an amendment to the VDU ordinance that would remove this limitation for lots with more than two dwelling units. This request was made in response to concerns that limiting the number of VDUs to only one in an apartment building was not necessarily appropriate, and that it was a late change to the Ordinance that caught some people unaware. (This limitation was in early drafts, was removed at the Planning Commission level, and was reinserted at one of the last Council meetings reviewing the language).

The proposed amendment would retain the 'one VDU per parcel' language for parcels with two or less dwelling units, but for parcels with three or more units, it would allow up to 75% of units to be Vacation Rentals. This would affect both existing multifamily dwellings and possible future development in the Planned Development (PD) Zones where both multifamily units and multiple separate dwelling units could be constructed on a lot.

The exact language of this amendment has evolved since this discussion started on April 8th. Council members initially suggested language that would allow VDUs in all but one dwelling unit on parcels with more than two units. That was the language presented to the Planning Commission.

The next version, based on the discussion at the Planning Commission meeting and discussions with Coastal Commission staff, used a 75% of dwelling units approach, but was specific to multifamily buildings. The purpose of changing from 'all but one' to 75% is to help preserve housing units as permanent dwellings, which has been expressed by both the City Council and Planning Commission as an important consideration.

In further considering the potential effects on future development of PD zoned land, staff came to the language before you which is based on "three or more dwelling units per parcel" out of concern that we don't want to create an incentive to build large multifamily dwelling units on PD zoned land by limiting the exception to only them.

If the City proceeds with this Ordinance Amendment, after final adoption we have to submit it to the Coastal Commission, and it would not take effect until the Coastal Commission certifies it.

Applicability

As currently written, staff believes the amendment would apply to all vacant PD zoned parcels, and to three developed parcels in town which have multifamily apartments with three or more units. Although these three existing developments are not currently zoned for multi-family use (two are single-family residential and one is commercial), as far as staff knows, they are legal nonconforming uses / structures. The buildings, in the same configuration as they existing today, can be seen on an aerial photo from 1974, prior to the adoption of the City's zoning ordinance. These three parcels are:

- The apartments at 651 Parker Street (3 of 4 of which have been VDUs),
- The 3 Beachcomber apartments (none of which are currently VDUs) at 363 Trinity, and
- The tri-plex at 476 View Ave.

Multi-family developments are allowed in the Planned Development (PD) Zone. There are four large PD zoned parcels in town with significant development potential. These include the two parcels that make up the horse pasture, the lot behind Saunders Shopping Center, and a lot to the southeast of Hidden Creek RV Park on Westhaven Drive. Multifamily units are allowed in the PD zone, as are cottage style units. These parcels together total almost 10 acres with a development potential (based on the allowable density of 1 dwelling unit per 8,000

sq. ft. outside of stream setbacks) of an estimated 37 dwelling units, 75% of which would be 27 potential VDUs. All uses in the PD zone require approval of use permits, so additional limitations on VDUs could be included as conditions of approval of future development.

Process for Revising the Ordinance:

Section 17.68.030 of the City's zoning ordinance requires the Planning Commission to hold a public hearing on proposed amendments to the zoning ordinance. The Planning Commission considered the amendment at their regularly scheduled meeting of May 20, 2015. The Planning Commission approved (4-0) a recommendation to the City Council to not pursue the amendment for a variety of reasons that are listed in a memo to the City Council dated May 26, 2015. That memo is attached to this staff report. The Planning Commission's action is a recommendation to the Council. The Council has authority to:

- a) pursue this amendment by approving a first reading tonight,
- b) continue the hearing to gather additional information, or
- c) elect not to pursue the amendment at this time.

The amendment will need certification by the Coastal Commission prior to going into effect. The same process that occurred for the original certification of the ordinance will be required for any amendments. It should be a much shorter process, without the need for extensive negotiations between City staff and Coastal Commission staff. While Coastal Commission staff originally suggested this would be considered a minor amendment, things have changed somewhat as VDU issues and regulations continue to evolve. At a May 14 hearing on an amendment to the Santa Cruz County VDU ordinance, the Coastal Commission Chair asked staff to address the issue of VDUs in buildings with "shared walls," such as condos and apartments, for future ordinances and amendments. This is more of an issue for individually owned condos. But if the City submits this amendment in the next few months, it will likely be the first one that has to address this new issue. Coastal Commission staff indicated to me that the process for certification may not be as simple and short as originally anticipated. Commission staff may ask for an analysis of how many units the amendment could potentially affect now and at build out. Some of that information has been included in this memo, but it might or might not be considered a 'minor' amendment. So the exact timeline (and cost) of the certification process is unknown at this point.

However, regardless of that process, a full application for the LCP amendment still has to be prepared and submitted. Much of the information submitted for the original application can be reused. But most of it will have to be updated. Staff estimates that this will take a couple of days of work by Planning Staff to complete and submit, or somewhere in the neighborhood of \$1,000. If the Coastal Commission staff were to request additional information, the cost would go up. The following is list of LCP amendment application submittal requirements and what needs to be done for each:

- Resolution: A new Resolution of Submittal will have to be approved and submitted. This can be done along with the second reading of the ordinance amendment if the Council decides to pursue it.
- Amendment: A signed and sealed copy of the amendment is required.
- LCP Policy Analysis: This is an analysis of the consistency between the 77 certified General Plan policies and the amendment. This will need to be updated, but most of the policies are not applicable or affected.
- Coastal Act Policy Analysis: This is an analysis of the consistency between the 75 policies of Chapters 3 and 6 of the Coastal Act and the amendment. This will need to be updated. Many of the policies are not applicable. However, the previous analysis relied on the fact that VDUs were not currently regulated and therefore the impacts to coastal resources would be reduced. But since this amendment will increase VDU potential, that language will have to be changed.
- Environmental Analysis: While development and certification of LCPs is not necessarily subject to CEQA, the Coastal Commission still requires an environmental analysis. Again, this will have to be updated.
- Public Participation: This is basically a list of public meeting dates, notices and excerpts from the minutes (a record of public input) where the amendment was considered. This section will have to be redone for this amendment.
- Staff Reports: This needs to include a copy of all staff reports and correspondence regarding the amendment. This section will also need to be redone, but just includes copies of existing documents.

Public comment included:

Jim Cuthbertson – Trinidad

I've lived between 2 vacation rentals and never have any problems. Visitors are friendly and the owners take good care of the property.

Mike Pinske – Resident and Planning Commission Chair

The Planning Commission voted to confirm one VDU per parcel to preserve the ratio of residents to visitors, as well as community character.

Kathleen Lake – Trinidad

The Planning Commission felt that this ordinance should not be piecemealed or reactionary. The memo from Planning was too important to be left out of this meeting packet.

Tom Davies – Trinidad

Urged the Council to not pursue the amendment. The Planning Commission does not recommend changes.

Mike Reinman – Trinidad, RCVR Owner

Scare tactics and overstatements are being used to convince you to not support the amendment. The original VDU committee was a challenge and I didn't agree with all the concepts. However, my 4plex is not the answer to affordable housing in Trinidad. The city did the right thing at the April meeting and I hope you continue with that decision.

Pat Morales – Trinidad

I was on the original VDU committee back in 2009. It was more pro-vacation rentals than against them. Mr. Reinman is incorrect. The Planning Commission does not support the amendment. Why are we even discussing this?

Tom Marquette – Trinidad Resident and Volunteer Fire Chief

My biggest concern with too many vacation rentals is lack of resident volunteers for the Fire Department.

Council comments included:

West: I felt the apartment complex was different from the rest of the housing in Trinidad. I considered an amendment because of that. I didn't perceive it to be this big of a problem, but the Planning Commission presented new info. The next agenda item tonight could resolve issues that have been brought to our attention tonight.

Winnett: I agree with West. The apartments are appropriately located, and vacation rentals are an established use there. There does come a point where the town becomes a hotel. I propose a motion to grandfather in the 4-plex as vacation rentals, and table the discussion until we resolve the next agenda item.

Baker: I think we need better data. I'm uncomfortable making serious changes to a property's use that someone made a significant investment to establish. I believe in fairness and making a level playing field. I support tabling this issue as well.

Fulkerson: I'd like to thank the Planning Commission for their work. A 4-0 vote not to revise the ordinance speaks loudly. When we asked the community for feedback, no one said they wanted to see more vacation rentals. These two points make this an easy vote for me.

City Planner Trevor Parker noted that a small amendment will take a long time before it's approved at the Coastal Commission level, and technically spot zoning is illegal.

No action taken.

6. Consider urgency Ordinance 2015-02 "Interim Urgency Ordinance of the City of Trinidad Making Findings and Establishing a Temporary Moratorium on acceptance of new license applications for operating a Vacation Dwelling Unit."

Councilmember Miller participated in this discussion by teleconference.

City Manager Berman explained that as directed at recent City Council meetings, Staff has developed an interim urgency ordinance for Council consideration that would prevent any new VDU Business License applications from being accepted as long as this Urgency Ordinance is in effect. Complete applications received up to the

date that the Urgency Ordinance goes into effect will be processed normally. Amendments to existing Licenses, including changes in ownership of Licensed Properties, would be allowable during the moratorium.

The process and requirements for local governments to use an Interim Urgency Ordinance are defined in Government Code Section 65858. Relevant requirements and limitations include:

- The City can only utilize this power if it makes findings that there is a current and immediate threat to the public health, safety, or welfare, and that the approval of additional VDU Business Licenses would result in that threat to public health, safety, or welfare.
- The City must actively use the time provided by the Urgency Ordinance to study the issues and develop a 'regular' (non-urgency) solution.
- Approval of an Urgency Ordinance requires a four fifths vote of the City council.
- This initial Urgency Ordinance would be in effect for 45 days, but it can be extended by subsequent Council action for 10 months and 15 days, and then again for another year.
- The Urgency Ordinance goes into effect immediately upon approval.

The number of homes being used as vacation rentals in Trinidad has increased substantially over the last fifteen years. The City issued 10 licenses for vacation rentals in 2000, and 54 as of this last year, although only 39 of those current licenses were considered 'active' (i.e. reported any income). With a City housing stock of approximately 220 units, this is an increase in 'active' VDUs from about 5% of all City dwelling units in 2000, to about 18% today. Figure 1 below presents these numbers graphically, and shows an average trend over this time period of about 10 new conversions to active vacation rentals every five years, or two a year.

This economic trend has resulted in new businesses and jobs in and around Trinidad, both in directly managing Vacation Rentals, and in providing other services for the visitors to Trinidad that use this form of lodging. It has also led to steadily increasing revenues for the city via the Transient Occupancy Tax.

However this trend has also been accompanied by citizen concerns about the effects of vacation rentals on the community character, civic life, public health, and general welfare of Trinidad. In response to these concerns, a City Ordinance (Ordinance 2014-01) regulating some aspects of vacation rentals was developed over many years, and finally went into effect in 2016. This Ordinance attempts to address concerns over parking, septic systems, noise, water use, and guest behavior via increased licensing requirements and limitations on the number of guests that can be housed in a given unit. However the existing VDU Ordinance does nothing to limit the overall number of vacation rentals in Trinidad.

The primary concerns not addressed by the existing Ordinance relate to the impacts to the character and welfare of the community of having such a large proportion of the City's housing stock not available for actual Trinidad residents, and the concern that this trend will continue without regulation limiting it.

Long time citizens find themselves with fewer and fewer neighbors as the homes on their street become vacation rentals. More vacation rentals mean fewer families with children in Trinidad Elementary School, and parents to serve on the School Board. Less residents means less citizens to serve in community organizations like the Lions Club, Civic Club, Museum Society, Trinidad Coastal Land Trust, and Friends of the Library, or to staff our Volunteer Fire Department and respond to emergencies, or participate in local government as Council members, Planning Commissioners, and volunteers for the City. Engaged citizens are the basic fabric that makes up a community, and with so few homes in Trinidad to start with, Staff is sympathetic to the argument that making such a high proportion of homes unavailable for residents will increasingly fray that fabric and damage the community.

It is possible that simple market forces of supply and demand alone will cause the steadily increasing trend to level out. However Trinidad is so small and so desirable as a tourist destination that the balance point where raw supply and demand limit additional vacation rentals may not occur until the proportion of the City's homes that are vacation rentals increases dramatically from the present.

Public comments included:

Kathleen Lake – Trinidad

I support the moratorium. We don't have our neighborhood (or neighbors) on Ocean Avenue anymore.

Jonna Kitchen – Trinidad resident, Trinidad Retreats Owner

We manage 11 vacation rentals inside the city limits. Vacation rentals provide great value to the city, but I'm also in favor of an eventual cap... a well thought-out cap. I also think non-active rentals should not be able to hold their permits. Just because there is a cap on vacation rentals may not preclude someone from buying a second or third home here and leave it empty. There are many models out there to use as templates for developing the ordinance.

Mike Reinman – Trinidad resident, RCVR Owner

There is a false assumption that vacation rentals are replacing long-term tenants in the community. If wealthier people buy the property instead and leave it empty most of the year, there could be less business activity or taxes for the town to benefit from. In terms of property value and rights, it's likely that effective right now no one will be able to have a vacation rental. In terms of affordable housing, Occupancy Tax could be used to subsidize higher rents. Be careful. This is a huge step in affecting property rights.

Katherine Wayne – Trinidad Area Resident

Occupancy Tax is a significant revenue source for the city. I'm also concerned with taking away someone's rights. However, when you move into a residential neighborhood, you expect to be in a home, not a motel.

Susan Rotwein – Trinidad

30 year resident. The city needs to get a handle on this. We need to give the new ordinance a chance to be implemented before re-writing it. Get real. It's summer. There won't be anyone renting their homes that aren't already permitted.

Mike Wood – Trinidad Area resident

Some families move here because they can have vacation rentals and support their lifestyles.

Pat Morales – Trinidad resident

It won't hurt to cap rentals. I don't want to see any new ones popping up. I'd rather see them vacant than experience or continually hear about the problems they cause.

City Clerk Adams read (4) letters submitted from the following individuals objecting to more vacation rentals; **Carol Mone, Ben Morehead, & Sid Dominitz**. A letter from local realtor **Sue Forbes** was in support of rentals and objected to the moratorium.

Council comments included:

West: I appreciate hearing both sides of the argument, but a cap should be considered. Community feedback is overwhelming. We should perform a careful analysis if the moratorium is approved.

Winnett: There's no doubt that vacation rentals are making a positive contribution to the city, but balance must be found.

Baker: In full disclosure, I just purchased a home on Ocean Avenue and intend to secure a vacation rental permit for it. I agree with Sue Forbes that there needs to be predictability, but there should be balance.

Fulkerson: I'm sure that if I vote against this and don't get a VDU permit, my property value could be less. A community can't be only about selling property. We need to take a break from issuing licenses and study the issue and find balance.

*Motion (West/Baker) to approve Interim Urgency Ordinance 2015-02 establishing a temporary moratorium on issuing Vacation Rental licenses, as amended (by striking "complete" from Section 5). **Passed unanimously.***

XIII. ADJOURNMENT

- Meeting ended at 9:45 pm.

Submitted by:

Gabriel Adams
City Clerk

Approved by:

Julie Fulkerson
Mayor

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, AUGUST 12, 2015

I. CALL TO ORDER

- Mayor Fulkerson called the meeting to order at 6:00PM. Council members in attendance: Miller, West, Fulkerson, Baker, Winnett.
- City Staff in attendance: City Manager Dan Berman, City Clerk Gabriel Adams.

II. PLEDGE OF ALLEGIANCE

III. ADJOURNMENT TO CLOSED SESSION – *No closed session*

IV. RECONVENE TO OPEN SESSION

V. APPROVAL OF AGENDA

- Move #5 & 6 to first on the agenda. Take item 2 after VDU discussion.
- Motion (Miller/West) to approve the agenda as amended. **Passed unanimously.***

VI. APPROVAL OF MINUTES – *No Minutes to approve.*

VII. COMMISSIONERS REPORTS

Miller: Nothing to report.

West: Nothing to report.

Fulkerson: Brief report on the League of CA divisional meeting held at the Town Hall in July.

Baker: Attended a public safety meeting.

Winnett: Deferred to VDU committee recommendation agenda item.

City Manager Berman: Highlighted and announced various updates, including:

- Public safety meeting summary.
- City Clerk's office under construction.
- Meeting with local State Representative Mike McGuire to discuss VDU legislation.
- Continued meeting/discussion regarding HBMWD water connection to Trinidad.

VII: PROCLAMATIONS & ANNOUNCEMENTS

1. Recognition of Lesbian, Gay, Bisexual, and Transgender Awareness Month September 2015.
Mayor Fulkerson read the proclamation. Representative from Humboldt Pride announced the 23rd annual festival.

VIII. ITEMS FROM THE FLOOR

Katherine Wayne – Trinidad Chamber of Commerce

Mixer at Salty's on September 17th, 2015, and Tastin' Trinidad in October.

IX. CONSENT AGENDA

1. Financial Status Reports for June 2015.
2. Adoption of Humboldt Low Impact Development Stormwater Manual.

*Motion (Miller/West) to approve the consent agenda. **Passed unanimously.***

X. DISCUSSION AGENDA

1. Discussion/Decision regarding Stormwater Control Ordinance 2015-01 – Second Reading.
City Manager Berman explained that the Stormwater Control Ordinance will provide the City with the legal authority to control stormwater that is required as part of our existing permit to discharge stormwater into the Trinidad Bay. The first reading of the ordinance was held on June 30, 2015. The draft ordinance was presented by staff at two earlier Council meetings. This Ordinance is effectively a requirement of our Stormwater Discharge Permit, and something very similar is already in place or being put in place by Cities and Counties throughout the State to help address Stormwater Pollution.

There were no Council or public comments.

Motion (Miller/Baker) to approve the second reading of Stormwater Control Ordinance 2015-01.
Passed unanimously.

2. Discussion/Decision regarding Planning Commissioner Appointment.

City Manager Berman explained that the recent resignation of Commissioner Chuck Vanderpool has left vacant a 3-year term on the Planning Commission. (4) Letters of interest were received by the deadline. All were from applicants that live outside the city limits. Lisa Espejo, Katherine Wayne, John Graves, and Ron Zemel.

Two candidates were present at the meeting, Lisa Espejo and Katherine Wayne. Councilmember Miller explained that he created a series of questions to ask each candidate so the Council and public could get a better idea of who they are. He contacted John Graves prior to the meeting and interviewed him since he could not attend the meeting. The questions were:

1. Brief introduction.
2. Personal characteristics possessed that would make them strong candidates.
3. General Plan Vision
4. Thoughts on balancing private rights with neighborhood concerns.
5. How will you be able to reach a decision on a complicated issue.

Both candidates nominated one another for the position, and disclosed that there would be no hard feelings if either wasn't selected.

There was no public comment.

Council comments included:

Baker: I like Espejo's expertise, and how that will translate to a contribution to the General Plan update process.

Miller: I support Graves with previous Planning Commission experience.

Winnett: I think Wayne fit for the position with her level of maturity and experience with people at odds.

Fulkerson: I support Espejo based on credentials and experience working with the youth community in Trinidad. She gives them a voice.

Motion (Winnett/West) to appoint Katherine Wayne as commissioner. (2) Yes, (3) Abstain.

Motion (Miller/Baker) to appoint Lisa Espejo as Commissioner. Passed unanimously.

3. Discussion/Decision regarding Establishing a Design Recognition Committee to Recognize Quality Community Design.

Mayor Fulkerson explained that a citizen's committee of five members, selected by the Council will meet to determine which residents, households and businesses best achieve high standards of design reflecting the values of the Village of Trinidad.

Categories for awards:

- Outstanding Alley Design and Maintenance
- Outstanding Retail Store and Landscaping Design
- Outstanding Commercial Signage
- Outstanding "Fishing Village" Exterior Remodel
- Outstanding Secondary Unit Design
- Outstanding Coastal and Native Plant Landscaping
- Outstanding Energy Efficiency Remodel
- Outstanding Vacation Dwelling Unit Design

Process for selection:

There will be no official nomination process, although residents are encouraged to suggest candidates/addresses for consideration. Names and addresses of potential awardees may be submitted to the Design Award Committee for consideration.

Committee members will individually tour/walk the City of Trinidad in order to consider all potential award candidates. Members will gather information and bring to the committee for consideration.

Awards will be made at a City Council Meeting within two months of appointment of the Award Committee. Awardees will be invited to attend. Digital images of award winners will be included during the presentation.

There was no public or Council comments.

Mayor Fulkerson nominated the following individuals to serve on the committee and report back with award recipients: Susan Tissot, Ali Lindgren, Jason Richie, John Frame, and Patti Fleschner

4. Discussion/Decision regarding Proposed Extension of Ordinance 2015-02; Temporary Moratorium on Issuance of Vacation Dwelling Unit Permits.

City Manager Berman explained that at the June 30th 2015 Council Meeting the Council adopted an urgency ordinance placing a temporary moratorium on permitting new vacation dwelling units. Under the State code governing urgency ordinances, this initial action was limited to 45 days. In order to keep the moratorium in place while the City works on a long-term solution, the Council must act to extend the ordinance. This proposed extension would provide another six months. One additional extension after this for an additional year is allowed under the governing code.

The process and requirements for local governments to use an Interim Urgency Ordinance are defined in Government Code Section 65858. Relevant requirements and limitations include:

- The City can only utilize this power if it makes findings that there is a current and immediate threat to the public health, safety, or welfare, and that the approval of additional VDU Business Licenses would result in that threat to public health, safety, or welfare.
- The City must actively use the time provided by the Urgency Ordinance to study the threat and develop a 'regular' (non-urgency) approach to address the Ordinance.
- Approval of an Urgency Ordinance requires a four fifths vote of the City council.
- This initial Urgency Ordinance would be in effect for 45 days, but it can be extended by subsequent Council action for 10 months and 15 days, and then again for another year.
- The Urgency Ordinance goes into effect immediately upon approval.

The VDU Committee of Councilmembers West and Winnett have held one public meeting since the initial moratorium went into effect.

Required Findings:

In order to approve this Urgency Ordinance the Council must find that there is a 'current and immediate threat to public welfare' that would result from not passing this Urgency Ordinance. Staff sees that threat best summarized as the effects on the welfare of the community that would result from more homes being converted from residences for Trinidad's citizens to vacation rentals during the time that it would take for a regular ordinance option to be developed and go into effect. Those effects are described above and summarized briefly in the Ordinance itself.

Impacts to City

The City will be forgoing potential increases in TOT revenue that could result from additional vacation rentals, although this could be balanced somewhat if existing VDUs can increase rates and/or are able to absorb increased demand by making more bookings.

Impacts to Existing Vacation Rentals

If this Urgency Ordinance is approved, anybody who has not submitted a complete VDU License Application prior to this date will be unable to obtain a license while the moratorium remains in effect.

City staff has sent three separate letters this spring notifying VDU owners and operators that they must have an application submitted prior to June 30th in order to continue operating as of July 1st 2015. This requirement is independent of the Urgency Moratorium, as all City Business Licenses require annual renewal for each new fiscal year (July-June).

Council questions/clarifications:

West: The committee is working quickly to discuss options to cap the number of permits issued, as well as exploring doing nothing as an option. If we extend the moratorium we believe we can get enough information together to send to the Planning Commission for further review. We hope to have it ready by the next meeting.

Winnett: We met twice as a committee and thanks to the participants we have good statistics. We're close to a resolution on (2) issues; 1) Will we do anything?, and 2) If so, what will we do? No one wants surprises forced upon them, and we believe we can get a recommendation back for consideration within 6 months. Also, application status concerns have been expressed by those waiting for their operating permits.

Miller: We have public concerns whether this is affecting public safety, health, and welfare. I believe this to be true because if there are less permanent residents, then there are less people looking out for the neighborhoods.

Public comments included:

Richard Johnson - Planning Commissioner

Development of an ordinance will take at least 6 months at the PC level, and possibly much more time sitting on the Coastal Commissions desk. **City Manager Berman** explained that the moratorium can be extended up to 2 years total.

Dick Bruce – Trinidad

I'm in favor of extending the ordinance moratorium. 9 months out of the year, the city is without lights. Less volunteers, less neighborhood watch. Spend the time doing this right the first time.

Jonna Kitchen – Trinidad resident, Owner – Trinidad Retreats

Frustrated that we still don't have permits issued for existing rentals. 14% of the housing inventory in Trinidad are VDU's. Trinidad School has incredibly high enrollment numbers, and I don't believe this issue presents a current and immediate threat to the city. I don't believe the moratorium should be in place. I support a cap, accountability, and a standing VDU Advisory Committee. End the moratorium.

Lynda Moran – Owner, Trinidad Bay Vacation Rentals

The moratorium is extreme. VDU's aren't a threat to health and safety. The general welfare is not threatened. The moratorium has created a lot of confusion to potential home-buyers and realtors. There is an ordinance in place, and a cap can be worked out without a moratorium in place. Balance is needed, but no moratorium.

Don Allen – Trinidad Area Resident

I've lived here for almost 30 years and I've seen the change. Vacation rental managers are carpetbaggers. What the managers are doing with vacation rentals is jacking up the price of Trinidad. Keep the moratorium in place as long as possible. I have 3 rentals in my neighborhood in Westhaven. I have no sympathy for managers of vacation rentals.

Christina D'Allesandro – Trinidad Resident, Realtor

What's the status of current VDU applications? CM Berman explained that June 30 was the deadline, and anyone that turned in an application by then will be considered.

Council comments included:

West: Asked about the next steps, once a draft is developed.

Fulkerson: Suggested that staff research other cities that have gone through this process and borrow from them.

Baker: May need to recuse himself due to potential conflict as a VDU permit holder. Also concerned with making sure the committee and Planning Commission have good data to work from.

Motion (Miller/West) to extend the VDU Permit Moratorium Ordinance 2015-02 for the full one-year period.

Passed unanimously.

5. Discussion/Decision regarding City of Trinidad Inclusion in the California HERO Program.

Redwood Coast Energy Authority ED Matt Marshall explained that the California HERO Program is being offered to allow property owners in participating cities and counties to finance renewable energy, energy water efficiency improvements and electric vehicle charging infrastructure on their property. If a property owner chooses to

participate, the improvements to be installed on such owner's property will be financed by the issuance of bonds by a joint power authority, Western Riverside Council of Governments ("WRCOG"), secured by a voluntary contractual assessment levied on such owner's property. Participation in the program is 100% voluntary. Property owners who wish to participate in the program agree to repay the money through the voluntary contractual assessment collected together with their property taxes.

The benefits to the property owner include eligibility, savings, 100% voluntary, payment obligation stays with property, prepayment options, customer oriented. The benefits to the City include increase local jobs, an increase in housing prices (higher efficient homes are worth more money), an increase in sales, payroll and property tax revenue, and as in conventional assessment financing, the City is not obligated to repay the bonds or to pay the assessments levied on the participating properties.

The proposed resolution enables the California HERO Program to be available to owners of property within our City to finance renewable energy, energy efficiency and water efficiency improvements and electric vehicle charging infrastructure. The resolution approves an Amendment to the WRCOG Joint Powers Agreement to add the City as an Associate Member in order that the California HERO Program may be offered to the owners of property located within the City who wish to participate in the California HERO Program

There is no negative fiscal impact to the City's general fund incurred by consenting to the inclusion of properties within the City limits in the California HERO Program. All California HERO Program administrative costs are covered through an initial administrative fee included in the property owner's voluntary contractual assessment and an annual administrative fee which is also collected on the property owner's tax bill.

The Council and members of the public asked various mechanical questions about the funding and how it would affect such things as what contractors they could hire, how a property sale would be affected by the lien, and how this program would be promoted to the area.

Fulkerson noted that this could fuel another small economic boost to the community.

*Motion (Miller/West) to adopt Resolution 2015-06 and 2015-07 authorizing both the HERO and the Ygrene Works PACE programs to offer services within the city of Trinidad. **Passed unanimously.***

6. Discussion/Presentation regarding Community Choice Aggregation Presentation from Redwood Coast Energy Authority.

Matthew Marshall, Executive Director of the Redwood Coast Energy Authority, explained to the Council the Community Choice Aggregation program and how the City of Trinidad might participate at some point.

Information presentation only. Item will be brought back to a future meeting for discussion/decision.

XIII. ADJOURNMENT

- Meeting ended at 10:25 pm.

Submitted by:

Gabriel Adams
City Clerk

Approved by:

Julie Fulkerson
Mayor

MINUTES OF THE SPECIAL MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, AUGUST 26, 2015

I. CALL TO ORDER

- Mayor Fulkerson called the meeting to order at 6:00PM. Council members in attendance: West, Miller, Fulkerson, Baker, Winnett.
- City Staff in attendance: City Manager Dan Berman, City Clerk Gabriel Adams.

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF AGENDA

Motion (Miller/West) to approve the agenda as amended. Passed unanimously.

IV. ITEMS FROM THE FLOOR - None.

IX. DISCUSSION AGENDA

1. Report and Discussion of Closed Session Action regarding Active Litigation in the case of Tsurai Ancestral Society vs. City of Trinidad.

City Manager Berman explained that the City of Trinidad and the Tsurai Ancestral Society (Ancestral Society) have reached agreement on the conditions necessary to settle the two Ancestral Society lawsuits against the City over management of the Tsurai Study Area.

The efforts to settle the lawsuits have been confidential, but with both parties having now signed the agreement it becomes public. Under this agreement, the City is committing to make every reasonable effort to return this property to the ownership of the direct lineal descendants of Tsurai Village (Tsurai Ancestral Society) and the Yurok Tribe as co-owners. In addition, the City has committed \$20,000 towards implementation of the Tsurai Management Plan this year, and is agreeing to improve coordination and communication with the Ancestral Society to protect and recognize the significant cultural, religious, and archeological resources in the City. With reasonable progress on these efforts over the coming year, the lawsuits will be permanently settled. The agreement also extends the five-year time frame to resolve the lawsuit by one year.

The Tsurai Ancestral Society brought two lawsuits against the City of Trinidad in 2010 related to the City's management of the Tsurai Study Area. This 12.5 acre property includes Old Home Beach and the hillside above it, and has three public trails crossing it: the Axel Lindgren Memorial Trail, the Parker Creek Trail, and the Wagner Street Trail. The lawsuits were related to incidents where citizens cut major vegetation on the property to enhance their views. The allegations against the City are that they failed to do more as property owner to protect the site, and to implement the 2007 Tsurai Management Plan.

The agreement between the City of Trinidad and the Tsurai Ancestral Society (TAS) does two things: it extends the five year time limit to resolve the case by a year, and it lays out the specific terms and conditions necessary to permanently settle the case. Without the time extension, the City and TAS were headed to a jury trial this fall, with significant legal expenses and unknown outcomes for both sides. With reasonable progress on the terms and conditions over the coming year, we will be able to permanently settle the lawsuits. Management of the Tsurai Study Area is guided by the Tsurai Management Plan (2007) and overseen by the Tsurai Management Team that includes the Tsurai Ancestral Society, the Yurok Tribe, the City of Trinidad, and the California Coastal Conservancy.

Ownership Transfer: The agreement indicates the City's commitment to work in good faith towards the transfer of the property to the Tsurai Ancestral Society and Yurok Tribe as co-owners. In broad terms, City staff sees such a transfer as both appropriate and beneficial to the City. We will be returning the property to the direct descendants of its original inhabitants, and relieving the City of what has been an ongoing liability. The Tsurai Management Team will be the forum to work out the details of this land transfer. The actual transfer of ownership will come back to the Council as its own agenda item with a detailed evaluation that addresses key issues which include insuring the City continues to have a role in management of the property, and protecting existing public access.

Public comment included:

Jim Cuthbertson – Trinidad

Who will maintain the trails in the area? Manager **Berman** explained that the Coastal Commission and Conservancy still holds an easement over the area to protect public access.

Robert Cargill – Trinidad Civic Club Consultant

I've been working with the Civic Club on the trail and staircase issue, and asked the Council to discuss liability concerns with the Tsurai. We are hoping this settlement agreement will help with relations between the Tsurai and the Civic Club. Mother nature is a relentless enemy. We need to work collaboratively to protect the site, trail, and the burial grounds along the hillside. Very happy to hear an agreement between the city and Tsurai has been reached.

Katherine Wayne – Trinidad area resident

What is the City going to do to protect the cultural artifacts? **Berman** explained that 1) fast and efficient notification when issues or artifacts are discovered, and 2) implement the management plan (handrail on the trail, fencing, etc.).

Don Allen – Trinidad area resident

When Axel II was alive, the vegetation in the area was kept trimmed low. Is there a vegetation management component to the plan? **Berman** answered that there was no clear guidance since the plan calls for a vegetation maintenance plan to be developed. The priorities are fencing, water drainage issues, and signage.

Axel Lindgren III – Tsurai Ancestral Society

We would like to see vegetation managed too but water saturation and damage issues should be addressed first. Vegetation keeps bluffs stable. We are also still discussing options with the Yurok Tribe. We have embraced nothing yet. Long way to go.

Richard Johnson – Trinidad area resident

Does the management plan need to be amended or updated? **Berman** explained that the priority is to implement what is already in the plan first, then consider what works or doesn't work. It was adopted in 2007.

Ali Lindgren – Tsurai Ancestral Society

I haven't seen the management plan. We were never connected to the Yurok. We have problems being connected to the Yurok. They are having financial problems that we don't need to be involved in. **Berman** explained that the city is in charge of the \$20,000 budgeted for improvements, but the committee is overseeing the city spending the money. "Co-Ownership" is proposed between the Yurok and Tsurai to ensure the Tsurai has a clear voice.

Council comments included:

Fulkerson: Thrilled we finally reached this agreement. It is very complicated, and has deep history. There is nothing more important than to return this property to Tsurai, and we are finally able to talk about it. This calls for a celebration. We are friends with the Tsurai members. It's been difficult to be in a room with attorneys telling us what we can and can't talk about. We are grateful that Axel III is here to share this moment with us. **Miller** agreed.

West: Thanked City Manager for his efforts, and thanked the Tsurai for their partnership. Grateful to be at this point, but noted there is still a lot of work to do.

Baker: I grew up here in Trinidad and couldn't agree more that this is the right thing to do. I'm ready to get to work with a new sense of trust developed.

Axel Lindgren III: I was born in Trinidad in 1950. Wrongs were being done. This lawsuit helped us identify and address them. It is not fun suing the city you were born in, but is a good feeling to be friends again and get back to work.

XIII. ADJOURNMENT

- Meeting ended at 9:45 pm.

Submitted by:

Gabriel Adams
City Clerk

Approved by:

Julie Fulkerson
Mayor

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, SEPTEMBER 09, 2015

I. CALL TO ORDER

- Mayor Fulkerson called the meeting to order at 6:00PM. Council members in attendance: Miller, West, Fulkerson, Baker, Winnett.
- City Staff in attendance: City Manager Dan Berman, City Clerk Gabriel Adams, City Planner Trever Parker.

II. PLEDGE OF ALLEGIANCE

III. ADJOURNMENT TO CLOSED SESSION

1. Existing/Pending Litigation against the City of Trinidad, Government Code section 54956.9(b) and/or section 54956.95, In the matter of Frame vs. the City of Trinidad et al.

IV. RECONVENE TO OPEN SESSION – No report.

V. APPROVAL OF AGENDA

Motion (Miller/West) to approve the agenda as written. Passed unanimously.

VI. APPROVAL OF MINUTES – No Minutes to approve.

VII. COMMISSIONERS REPORTS – No reports.

City Manager Berman: Highlighted and announced various updates, including:

- Introduced HCSO Deputy Pam Wilcox. She gave a brief law enforcement report.
- City Clerk's office construction update.
- VDU License/Permit issuance report.

VII: PROCLAMATIONS & ANNOUNCEMENTS – None.

VIII. ITEMS FROM THE FLOOR

Kathleen Lake - Trinidad

Complained about events at Town Hall that involve alcohol, noise, and believes they should be required to hire a Hall monitor to police events.

Jim Cuthbertson – Trinidad

Attended a Coastal Commission meeting today in Eureka and spoke publically about the Wagner Street Trail. Staff assured me that the Commission has not given up on the issue, and will likely be going back to court to seek a resolution.

Ben Morehead – Trinidad Coastal Land Trust

Announced the September 17 soft opening of the new Land Trust/Ned Simmons room attached to the Library. Thanked all for their support. Land Trust received land from Green Diamond that will be a critical component of the connection between Scenic Drive and Clam Beach. Land Trust also has been dealing with a variety of issues at Scenic Drive beaches such as fires, indecent exposure, and theft.

Richard Johnson – Trinidad area resident

Reminded the community that the Trinidad Rancheria interchange proposal meetings are public, and encouraged interested parties to attend.

IX. CONSENT AGENDA

1. Financial Status Reports for July 2015.
2. Law Enforcement Report August 2015
3. Declare Public Works Ford 1995 F-150 Surplus and Authorize Staff to dispose of the vehicle at fair market value.
4. Approve Agreement with Streamline Planning Consultants for Implementation of the Clean Beaches Initiative Grant Program.
5. Water Efficient Landscape Ordinance Introduction
6. Authorize Support Letter for SB 593, "The Thriving Communities and Sharing Economies Act"

Motion (Miller/Baker) to approve the consent agenda. Passed unanimously.

X. DISCUSSION AGENDA

1. Award Presentation in Recognition of Quality Community Design.

Mayor Fulkerson explained that Trinidad has an active citizenry in countless ways. Residents care about their community and work to maintain attractive landscaping, housing, retail and community spaces. We presented these original designations in 2011. It is easy to look at what is missing, what doesn't work and where the messes are. It is, therefore, important to recognize Good Work of a community. By doing so, we recognize the talents and efforts of our citizenry. This process would recognize work of citizens to enhance the visual appearance of the village and improve first impressions of visitors.

Trinidad's "Shared Community Vision Statement" emphasizes "Trinidad as a rural, coastal community nestled in the forest along the Pacific...is clean and well-maintained...there are small shops in a quaint rural business district." A citizen's committee of five members, selected recipients including households and businesses best achieving high standards of design reflecting the values of the Village of Trinidad. This year's panel included: Pattie Fleschner, Jason Richey, John Frame, Allie Lindgren and Susan Tissot.

Award winners were selected as follows:

Commercial Signage: new "Saunders Plaza" Installation
Saunders Family and designer Richard Betournay of Expo Art

Native Plant Garden: Trinidad Museum's Native Plant Garden
Jill Mefford, Garden Chair

Coastal Garden: 475 Wagner Street
Holly and John Frame

Vacation Dwelling: 670 Edwards "Harbor Moon"
James & Linda Gonzalez

Secondary Unit: 308 Ocean
Former Owner, Kathy Bhardwaj property
Current owners, Joan and Jim Baker

Fishing Village Exterior Remodel:
543 Ocean, Patricia Jefferis

Retail Store & Landscaping:
WindanSea, Main Street Lore Snell, Casey Van Alten and Barbara Snell property

There was no public comment. *The Council thanked the award recipients for attending.*

2. Discussion/Decision regarding Vacation Dwelling Unit Committee Recommendations and Provide Direction to Staff Regarding a Potential Cap on the Number of VDUs in Trinidad.

City Manager Berman explained that the City Council at their June 30th 2015 meeting directed an ad-hoc VDU Committee composed of Councilmembers Jack West and David Winnett to develop a recommendation for the Council regarding a potential amendment to the existing VDU Ordinance to include a cap on the number of Vacation Dwelling Units (VDUs) in the City. The Committee has held multiple public meetings and worked with staff and the public on this issue. They are now returning to the Council with their recommendations. This is occurring in the context of the interim urgency ordinance the City has put in place to limit any increase in the number of VDUs while this issue is being considered.

In response to neighborhood complaints, a City Ordinance (Ordinance 2014-01) regulating some aspects of vacation rentals was developed over many years, and finally went into effect in 2015. This Ordinance attempts to address concerns over parking, septic systems, noise, water use, and guest behavior via increased licensing requirements and limitations on the number of guests that can be housed in a given unit. The existing VDU Ordinance does nothing to limit the overall number of vacation rentals in Trinidad.

The primary concerns not addressed by the existing Ordinance relate to the impacts to the character and welfare of the community of having such a large proportion of the City's housing stock not available for actual Trinidad residents, and the concern that this trend will continue without regulation limiting it.

Process: At this meeting of September 9th, the Council will consider the VDU Committee Recommendation, receive public input, and provide direction to City Staff. If the Council direction is to continue moving this forward, the next step is for the Planning Commission to consider this item in their public meetings and work towards a recommendation back to the Council. The Council would then approve a final version of the amendment. Once the Council formally adopts, it goes to the Coastal Commission and would take effect when they approve it.

Key Issues: Staff and the Planning Commission will benefit from Council direction on the key issues that need to be addressed in a cap. However that direction does not need to be exact in all details – it could include ranges, or multiple alternatives, or defer to the Planning Commission process to resolve specific issues.

The key issues are presented in table format below, with the VDU Committee's recommendations, and other possible alternatives

ISSUE	VDU COMMITTEE RECOMMENDATION	POSSIBLE ALTERNATIVES
Should there be any limit or cap on VDUs?	Yes	Yes or No
Cap Details – How many, and what mechanism.	Fixed number in the range of 20 to 30	% of housing stock Absolute number By zoning type By area of the City (neighborhood) By distance from nearest other VDU Absolute ban
Require 'activity' on License?	Yes – 30 to 60 days activity (nights occupied) per year.	Y or N; (City to define 'activity' (x dollars, or x nights of use, or....))
License Term	Annual – but renewal guaranteed assuming on-going compliance with the VDU Ordinance	
Transferability of Permits	Not Transferable	a) fully transferable, can be moved to another house with updated application, can be bought and sold... b) runs w property, transferable to new owner with change in ownership (via sales or inheritance) c) not transferable – expire upon change in ownership– limited one year license specific to owner and property.
If a cap goes into place that is lower than current VDU #, how do we get there?	Attrition – We move towards a lower number as licenses are not renewed, or end with changes in property ownership	a) Gradual via attrition b) Abrupt shift – only issue new cap-based number of licenses at next annual renewal date. This would require developing a process to select who gets a permit. (Based on lottery, or seniority, or...?)
How do we manage a waiting list for permits.	No recommendation	Lottery of all interested parties at time of availability. Keep a ranked 'first come first served' list, new parties go on the bottom.

Councilmember West explained that the VDU Committee consisted of Councilmembers Jack West and David Winnett, with staff assistance from Planner Trevor Parker. The committee's charge was to develop a

recommendation for the Council regarding a potential cap on the number of VDUs in the City. The Committee held public meetings as part of this process and heard a range of perspectives.

The number of VDU's in the City of Trinidad has not been regulated with a Cap. The Committee supports the idea of establishing a cap on the overall number of Vacation Rentals in the City as part of regulating vacation rentals in a manner that allows an important overnight visitor function at the same time as protecting coastal resources, which includes access, recreational opportunities and community character per the Coastal Act.

A. SHOULD THERE BE A CAP? IF SO, BASED ON WHAT, AND HOW MANY?

There were at least seven suggestions for a cap on VDU's, including an outright prohibition in the City, and no cap at all. The rest fit into four basic categories

1. **Based on zoning.** Since there are residential and commercial zoning in the City, it was proposed that rentals be permitted only in the commercial zones. Our committee decided this would leave only small areas of Trinidad open for rentals and most existing VDUs would have to cease. This was not recommended.
2. **Based on a percentage of homes, or parcels with homes.** The next three suggestions were based on a percentage of the number of parcels with homes, not businesses or trailers, in the city. The three suggestions were a 15%, 20% and 25% cap. All three of these suggestions were not recommended due to the extra work created for the City in order to keep track of the percentages.
3. **A fixed number.** The final suggestions were for a number cap. There were three caps offered: 20, 30 and the number of current VDU's at this time. The Committee recommends a cap of between 20 and 30 VDUs in the City of Trinidad. *This is the recommendation we would like to see sent to the Planning Commission.*
4. **Based on Neighborhoods.** Since some neighborhoods have more VDU's at this time than others, a neighborhood cap was considered. To do this, the City would be required to define neighborhoods in the City, and then apply a hard number cap or percent of homes within each neighborhood that could be permitted. This was not recommended by the committee at this time. There will probably be few changes in any neighborhood if the cap is passed. The Council could return to this option as necessary.

Committee recommendation: A fixed cap of between 20 and 30 VDU's.

Public comments on whether there should be a cap or not, included:

Kathleen Lake – Trinidad

No VDU's in residential zones. They should only be permitted in commercial zones. Read a long statement that shared personal experiences with rental guests, criticized the city for not enforcing the regulations, and accused rental companies of breaking the rules. Mayor Fulkerson interrupted the speaker and requested she focus her reply on whether there should be a cap or not.

Jim Cuthbertson – Trinidad

I live next door to 2 rentals and have never had a problem. There should be a cap.

Barbara Snell – Trinidad

No cap. This is a waste of time. Rentals bring revenue to this city. Locals don't shop local. The visitors support local businesses. They are our livelihood. Homeowners should be held accountable.

Joe Moran – Trinidad Bay Vacation Rentals

No cap. Absolute number basis. No zone capping.

Jonna Kitchen – Trinidad Retreats

I support a fair and balanced cap of approximately 36 rentals. Concerned with statistics presented, and asked the Council if they were willing to lose \$45,000 + in revenue by lowering the number of rentals to 20-30. We need to get the facts straight.

Tom Davies – Trinidad

I support a cap. Rentals should only be in commercial zones.

Steve Saunders – Trinidad

No cap. I prefer houses with people in them as opposed to having empty homes on the street.

Don Allan – Trinidad area resident

No cap is needed if vacation rentals are only allowed in commercial zones. Arguments in favor of vacation rentals support individual financial interests.

Mike Reinman – Redwood Coast Vacation Rentals

Vacation Rentals are residential uses. 40 is a fair capacity. What about the under-utilized 4-bedroom oceanfront homes with only 1 or 2 people living in them? Maybe a luxury tax should be imposed on them?

Council recommendation by vote:

1. Yes, there should be a cap. **Unanimous vote.**
2. How many? (West = 30), (Miller = 25), (Winnett = 20-30), (Fulkerson = 20-25), (Baker = 30, but exceptions should be made for owner-occupied VDU's)

B. UNUSED VDU LICENSE/ACTIVITY

The committee feels that if a VDU license is not used for a period of one year, the license should be rescinded. The committee recommends that a VDU must be operated for a period of between 30 and 60 days per year to be considered 'active'.

Committee recommendation: The Committee recommends that staff gather more information about the best way to track and define 'active' for these purposes, and review the occupancy history of existing VDUs to help inform this decision.

Public comment on this topic included:

Joe Moran – Trinidad Bay Vacation Rentals

Recommend minimum of 60 days rented to maintain a VDU permit.

Jonna Kitchen – Trinidad Retreats

Recommend 60-90 days activity to maintain a VDU permit.

Kathleen Lake – Trinidad

No activity should be required. No minimum days rented.

Don Allan – Trinidad area resident

Recommend 60 day minimum – if vacation rentals are only permitted in commercial or mixed use zones.

Tom Davies - Trinidad

No activity should be required. No minimum days rented. It should be up to the owners discretion.

Council recommendation: Minimum nights rented to maintain the license: (West = 45-60 days), (Miller = 45 days), (Fulkerson = 0), (Winnett = at least 30), (Baker = 30-60 with exception made for owner-occupied VDU's).

C. TRANSFERABILITY

When a home that has a VDU license is sold, there must be a consideration as to what to do with the VDU permit. One consideration was to allow the VDU permit to be sold with the house. This was not recommended because the committee felt it would be very difficult for homeowners who are waiting to open their home as a VDU to obtain a permit. The new home owner would have an advantage over those who have lived in the community for a longer period. The second consideration was to allow a VDU to be passed down to another family member. Both of these were not recommended as it would be more difficult for the City to enforce, more difficult for any new party to have a VDU, and would make it difficult to ever reduce the number of VDUs, since limiting transferability is the least aggressive way to reduce the number of licenses.

Committee Recommendation: The recommended method is to not allow transfers of any kind.

Public comment on transferability included:

Mike Wood – Trinidad area resident

Too devastating for the property value to make permits non transferable.

Christina D'Allesandro – Trinidad

I sold a home on Edwards Street a few years ago. It's for sale now, and it's a hard sell without the VDU permit. Cap at 38 is reasonable, Waiting list ok too. Unsure about transferability.

Jonna Kitchen – Trinidad Retreats

Ocean views bring properties the most value, not vacation rental permits. Permits should be transferable. New owners should have 30 days to comply with the permit. It takes years to establish a customer base in the rental business.

Joe Moran – Trinidad Bay Vacation Rentals

Permits should be transferable.

Don Allan – Trinidad area resident

Not transferable.

Mike Reinman – RCVR

Permits should be transferable.

Kathleen Lake – Trinidad

Not transferable.

Council recommendation: *Unanimous vote for non-transferable licenses.*

D. PROCESS FOR TRANSITIONING TOWARDS THE CAP

If the final cap is set lower than the current number of VDUs, the Committee recommends a gradual 'attrition' approach towards reducing the number of licenses. Existing, active VDUs would be able to renew their annual license (assuming they are in compliance with the Ordinance). The number of licenses would go down when a) property owners chose not to renew a license; b) a licensed property is sold or otherwise changes ownership.

Committee Recommendation: *Gradual attrition approach.*

Public comment for reaching cap included:

Reid Kitchen – Trinidad Retreats

Cap is needed. Focus on the facts. 20-25% VDU ratio. Transferable license.

Council recommendation: *Unanimous vote for the attrition method to reduce the number of licenses.*

E. MANAGING WAIT LISTS: The Committee recognizes that the City will need to maintain a waiting list for folks interested in acquiring a VDU permit. The list will be utilized when the number of VDU licenses falls below the final cap. The Committee did not reach a recommendation on the details of how to set up the waiting list, and leaves that to staff and the Planning Commission to consider.

Committee Recommendation: *Leave it to staff and Planning Commission to consider.*

Public comment on wait lists included:

Joe Moran – Trinidad Bay Vacation Rentals

First come, first serve process is fair.

Jonna Kitchen – Trinidad Retreats

If there's a cap, then density consideration per street should be initiated to determine who gets the next license.

Kathleen Lake – Trinidad

Neighborhood density should be considered. First come, first serve. VDU's only in commercial zones.

Mike Wood - Trinidad area resident

First come, first serve.

Mike Reinman – RCVR

Bid process. Use as a revenue generator.

Council recommendation: West, Miller, Winnett = First come, first serve with qualified application.

Baker = Registered Trinidad voters and VDU owner occupied have priority, then first come, first serve method.

Fulkerson = Staff to develop a more sophisticated system.

XIII. ADJOURNMENT

- Meeting ended at 9:00pm.

Submitted by:

Gabriel Adams
City Clerk

Approved by:

Julie Fulkerson
Mayor

TRINIDAD CITY HALL

P.O. Box 390
409 Trinity Street
Trinidad, CA 95570
(707) 677-0223

Julie Fulkerson, Mayor
Gabriel Adams, City Clerk



PROCLAMATION 2015-04

**IN RECOGNITION AND APPRECIATION OF KENZIE MULLEN FOR HER DEDICATED SERVICE
TO THE CITIZENS OF HUMBOLDT COUNTY**

WHEREAS, on November 14, 2015, after thirty-six years of service, **Kenzie Mullen** will be retiring from the Humboldt County Library; and

WHEREAS, **Kenzie** served readers and researchers throughout the County of Humboldt, providing tips and tools to people of all ages and perspectives; and

WHEREAS, **Kenzie** served throughout the design phase and construction of the Arcata Library and the Eureka Humboldt County Main Library; and

WHEREAS, on November 19, 1985 **Kenzie** was promoted to Senior Library Assistant at the Trinidad Branch Library, and

WHEREAS, **Kenzie** has made the most of her library space regardless of where the library was housed including Trinidad Elementary School, the tiny space behind the police station, in the kitchen of the Police Station and was endlessly clever in use of the space to store and display the collections, and

WHEREAS, **Kenzie** worked tirelessly with the Friends of the Trinidad Library to raise funding for the new Trinidad Library, and

WHEREAS, **Kenzie** has worked diligently to provide the Trinidad patrons with story hours, extensive children's programs, help with homework assignments, and as she herself states, has had the privilege of introducing the library to tiny infants, toddlers and young adults through the years; and had those same patrons bring their own children to story hour and children's programs, thereby perpetuating dedicated library patrons; and

WHEREAS, **Kenzie** has been a devoted library employee at the Trinidad Library for over thirty years, serving all patrons of the Trinidad Library with her boundless energy, professional courtesy and excellence, and

NOW, THEREFORE, BE IT RESOLVED that the City of Trinidad hereby commends and thanks **Kenzie Mullen** for her dedicated service to the citizens of Humboldt County..

PASSED, APPROVED, AND ADOPTED by the Trinidad City Council on Tuesday, November 10, 2015.

Attest:

Gabriel Adams
City Clerk

Julie Fulkerson
Mayor

TRINIDAD CITY HALL

P.O. Box 390
409 Trinity Street
Trinidad, CA 95570
(707) 677-0223

Julie Fulkerson, Mayor
Gabriel Adams, City Clerk



PROCLAMATION 2015-03

IN RECOGNITION AND SUPPORT OF THE GREAT AMERICAN SMOKEOUT,
NOVEMBER 19, 2015

WHEREAS, the American Cancer Society encourages all tobacco users to join the Great American Smokeout and quit nicotine for at least one day; and

WHEREAS, tobacco-use remains the leading preventable cause of death in the United States; and

WHEREAS, the American Cancer Society encourages all tobacco users to join the Great American Smokeout and quit nicotine for at least one day; and

WHEREAS, tobacco-use remains the leading preventable cause of death in the United States; and

WHEREAS, electronic cigarettes are a relatively new way to introduce nicotine into the human body by means of an aerosol that contains un-regulated levels of nicotine and other chemicals; and

WHEREAS, e-cigarette cartridges come in fruit and candy flavors – such as chocolate, gummy bear and bubble gum- that appeal to youth have tricked a new generation into nicotine addiction; and

WHEREAS, numerous scientific studies cited by the World Health Organization have found toxic and cancer-causing chemicals in e-cigarettes to which both the user and bystanders are exposed; and

WHEREAS, the U.S. Centers for Disease Control has documented a major increase in e-cigarette use among children, including children who have never smoked a regular cigarette; and

WHEREAS, many nations, states and more than 131 local jurisdictions in California including Eureka, Arcata, San Francisco and Los Angeles now prohibit e-cigarettes wherever smoking is prohibited; and

WHEREAS, there are many proven resources, many of them free, to help nicotine users quit.

NOW, THEREFORE, BE IT PROCLAIMED that the Trinidad City Council hereby recognizes and supports the American Cancer Society's GREAT AMERICAN SMOKEOUT on November 19, 2015, and encourages all citizens who smoke, or use chew/dip tobacco, to demonstrate to themselves and their children that they can quit using tobacco by joining the American Cancer Society's Great American Smokeout.

PASSED, APPROVED, AND ADOPTED by the Trinidad City Council on Tuesday, November 10, 2015.

Attest:

Gabriel Adams
City Clerk

Julie Fulkerson
Mayor



CONSENT AGENDA ITEM 1

SUPPORTING DOCUMENTATION FOLLOWS WITH: 8 PAGES

1. Financial Status Reports for September 2015.

City of Trinidad
Statement of Revenues and Expenditures - GF Revenue
From 9/1/2015 Through 9/30/2015

	Current Month	Year to Date	Total Budget - Original	% of Budge
Revenue				
41010 PROPERTY TAX - SECURED	0.00	0.00	91,500.00	100.00)%
41020 PROPERTY TAX - UNSECURED	0.00	0.00	3,300.00	100.00)%
41040 PROPERTY TAX-PRIOR UNSECURED	0.00	0.00	50.00	100.00)%
41050 PROPERTY TAX - CURRENT SUPPL	0.00	0.00	900.00	100.00)%
41060 PROPERTY TAX-PRIOR SUPPL	0.00	0.00	200.00	100.00)%
41071 MOTOR VEHICLES	0.00	0.00	1,000.00	100.00)%
41110 PROPERTY TAX EXEMPTION	0.00	0.00	1,300.00	100.00)%
41130 PUBLIC SAFETY 1/2 CENT	0.00	0.00	1,600.00	100.00)%
41140 PROPERTY TAX - DOCUMENTARY RE	0.00	0.00	1,200.00	100.00)%
41190 PROPERTY TAX ADMINISTRATION FE	0.00	0.00	(2,420.00)	100.00)%
41200 LAFCO Charge	0.00	0.00	(1,200.00)	100.00)%
41210 IN-LIEU SALES & USE TAX	0.00	0.00	27,500.00	100.00)%
41220 IN LIEU VLF	0.00	0.00	28,000.00	100.00)%
42000 SALES & USE TAX	10,879.62	10,879.62	200,000.00	(94.56)%
43000 TRANSIENT LODGING TAX	0.00	43,650.43	120,000.00	(63.62)%
43100 TRANSIENT LODGING TAX-TBID	0.00	(3,454.28)	0.00	0.00)%
53010 COPY MACHINE FEE	0.00	0.00	30.00	100.00)%
53020 INTEREST INCOME	137.66	424.74	6,000.00	(92.92)%
53090 OTHER MISCELLANEOUS INCOME	3,346.48	17,162.83	1,000.00	,616.28)%
54020 PLANNER- APPLICATION PROCESSIN	0.00	1,500.00	6,000.00	(75.00)%
54050 BLDG.INS-P-APPLICATION PROCESSI	1,219.12	3,255.24	7,000.00	(53.50)%
54100 ANIMAL LICENSE FEES	0.00	0.00	200.00	100.00)%
54150 BUSINESS LICENSE TAX	120.00	7,678.00	11,500.00	(33.23)%
54300 ENCROACHMENT PERMIT FEES	0.00	0.00	400.00	100.00)%
56400 RENT - VERIZON	2,058.41	6,175.38	23,000.00	(73.15)%
56500 RENT - HARBOR LEASE	0.00	0.00	5,125.00	100.00)%
56550 RENT - PG& E	0.00	0.00	9,500.00	100.00)%
56650 RENT - SUDDENLINK	0.00	2,089.01	3,800.00	(45.03)%
56700 RENT - TOWN HALL	300.00	1,550.00	5,000.00	(69.00)%
59999 INTERDEPARTMENTAL TRANSFER INC	0.00	0.00	30,000.00	100.00)%
Total Revenue	18,061.29	90,910.97	581,485.00	(84.37)%

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
201 - GFAdmin
From 9/1/2015 Through 9/30/2015

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
Expense					
60900	HONORARIUMS	250.00	750.00	3,000.00	75.00%
61000	EMPLOYEE GROSS WAGE	13,182.07	27,908.80	112,705.00	75.24%
61470	FRINGE BENEFITS	69.24	184.64	600.00	69.23%
65100	DEFERRED RETIREMENT	574.44	1,230.70	4,941.00	75.09%
65200	MEDICAL INSURANCE AND EXPENSE	819.21	2,457.63	11,389.00	78.42%
65250	Health Savings Program	9.72	29.16	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	(4,473.30)	(4,473.30)	3,832.00	216.74%
65500	EMPLOYEE MILEAGE REIMBURSEMENT	103.38	158.38	750.00	78.88%
65600	PAYROLL TAX	1,048.31	2,220.41	9,000.00	75.33%
65800	Grant Payroll Allocation	(264.82)	(2,758.41)	(6,278.00)	56.06%
68090	CRIME BOND	0.00	455.00	455.00	0.00%
68200	INSURANCE - LIABILITY	(813.80)	14,283.75	8,314.00	(71.80)%
68300	PROPERTY & CASUALTY	0.00	3,859.05	4,225.00	8.66%
71110	ATTORNEY-ADMINISTRATIVE TASKS	0.00	0.00	10,000.00	100.00%
71130	ATTORNEY-LITIGATION	0.00	0.00	10,000.00	100.00%
71210	CITY ENGINEER-ADMIN. TASKS	0.00	0.00	2,000.00	100.00%
71310	CITY PLANNER-ADMIN. TASKS	5,693.50	17,465.43	38,000.00	54.04%
71410	BLDG INSPECTOR-ADMIN TASKS	395.23	1,305.23	4,500.00	70.99%
71420	BLDG INSPECTOR-PERMIT PROCESS	0.00	0.00	12,000.00	100.00%
71510	ACCOUNTANT-ADMIN TASKS	870.94	2,403.66	14,000.00	82.83%
71620	AUDITOR-FINANCIAL REPORTS	0.00	0.00	15,500.00	100.00%
72000	CHAMBER OF COMMERCE	0.00	0.00	13,200.00	100.00%
74200	REIMBURSED GRANT ADMIN EXP	0.00	0.00	(500.00)	100.00%
75110	FINANCIAL ADVISOR/TECH SUPPORT	30.00	365.00	5,500.00	93.36%
75160	LIBRARY RENT & LOCAL CONTRIB.	1,500.00	1,500.00	500.00	(200.00)%
75170	RENT	650.00	1,950.00	8,200.00	76.22%
75180	UTILITIES	423.67	1,876.07	8,500.00	77.93%
75190	DUES & MEMBERSHIP	0.00	0.00	500.00	100.00%
75200	MUNICIPAL/UPDATE EXPENSE	0.00	30.00	4,500.00	99.33%
75220	OFFICE SUPPLIES & EXPENSE	213.31	1,111.10	5,500.00	79.80%
75240	BANK CHARGES	0.00	0.00	250.00	100.00%
75300	CONTRACTED SERVICES	(888.15)	(888.15)	8,000.00	111.10%
75990	MISCELLANEOUS EXPENSE	1,552.04	2,860.29	500.00	(472.06)%
76110	TELEPHONE	127.12	420.11	1,550.00	72.90%
76130	CABLE & INTERNET SERVICE	294.63	883.71	3,300.00	73.22%
76150	TRAVEL	0.00	0.00	1,500.00	100.00%
78170	SECURITY SYSTEM	0.00	0.00	1,500.00	100.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	456.46	1,000.00	54.35%
	Total Expense	21,366.74	78,044.72	322,433.00	75.80%

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
301 - Police
From 9/1/2015 Through 9/30/2015

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
	Expense				
61000	EMPLOYEE GROSS WAGE	435.89	882.50	3,427.00	74.25%
65300	WORKMEN'S COMP INSURANCE	0.00	0.00	117.00	100.00%
65600	PAYROLL TAX	33.35	67.52	262.00	74.23%
75170	RENT	650.00	1,950.00	8,190.00	76.19%
75180	UTILITIES	100.22	378.80	2,500.00	84.85%
75220	OFFICE SUPPLIES & EXPENSE	0.00	0.00	400.00	100.00%
75300	CONTRACTED SERVICES	0.00	5,025.00	88,085.00	94.30%
75350	ANIMAL CONTROL	113.00	339.00	1,500.00	77.40%
75990	MISCELLANEOUS EXPENSE	0.00	0.00	500.00	100.00%
76110	TELEPHONE	86.92	276.38	1,200.00	76.97%
	Total Expense	<u>1,419.38</u>	<u>8,919.20</u>	<u>106,181.00</u>	<u>91.60%</u>

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
401 - Fire
From 9/1/2015 Through 9/30/2015

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
	Expense				
60900	HONORARIUMS	150.00	450.00	1,800.00	75.00%
75180	UTILITIES	39.99	39.99	1,150.00	96.52%
75190	DUES & MEMBERSHIP	0.00	0.00	100.00	100.00%
75280	TRAINING / EDUCATION	0.00	0.00	400.00	100.00%
75300	CONTRACTED SERVICES	0.00	0.00	23,500.00	100.00%
76110	TELEPHONE	58.92	604.01	720.00	16.11%
76140	RADIO & DISPATCH	0.00	831.50	450.00	(84.78)%
78140	VEHICLE FUEL & OIL	0.00	39.17	350.00	88.81%
78150	VEHICLE REPAIRS	0.00	0.00	2,500.00	100.00%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	0.00	500.00	100.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	5.15	33.28	2,500.00	98.67%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	0.00	400.00	100.00%
	Total Expense	<u>254.06</u>	<u>1,997.95</u>	<u>34,370.00</u>	<u>94.19%</u>

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
501 - PW (Public Works)
From 9/1/2015 Through 9/30/2015

		Current Month	Year to Date	Total Budget - Original	% of Budget
Expense					
61000	EMPLOYEE GROSS WAGE	7,740.22	17,121.72	64,837.44	73.59%
61250	OVERTIME	0.00	0.00	500.00	100.00%
65100	DEFERRED RETIREMENT	831.84	1,848.99	7,207.64	74.35%
65200	MEDICAL INSURANCE AND EXPENSE	1,518.00	4,669.35	24,074.23	80.60%
65250	Health Savings Program	17.16	51.48	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	0.00	2,280.30	100.00%
65600	PAYROLL TAX	632.16	1,394.19	5,682.06	75.46%
65800	Grant Payroll Allocation	(1,078.24)	(11,553.11)	(24,428.00)	52.71%
71210	CITY ENGINEER-ADMIN. TASKS	0.00	0.00	5,500.00	100.00%
71250	CITY ENGINEER - PROJECT FEES	0.00	0.00	5,000.00	100.00%
75300	CONTRACTED SERVICES	0.00	0.00	28,000.00	100.00%
75370	UNIFORMS/PERSONAL EQUIP.	0.00	0.00	450.00	100.00%
78100	STREET MAINT/REPAIR/SANITATION	0.00	0.00	10,000.00	100.00%
78120	STREET LIGHTING	352.05	1,141.71	4,500.00	74.63%
78130	TRAIL MAINTENANCE	3,347.00	3,347.00	2,500.00	(33.88)%
78140	VEHICLE FUEL & OIL	319.26	1,096.78	4,800.00	77.15%
78150	VEHICLE REPAIRS	483.72	646.81	2,000.00	67.66%
78160	BUILDING REPAIRS & MAINTENANCE	15,808.91	27,269.31	12,000.00	(127.24)%
78190	MATERIALS, SUPPLIES & EQUIPMEN	619.31	1,617.12	6,500.00	75.12%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	0.00	500.00	100.00%
	Total Expense	30,591.39	48,651.35	161,903.67	69.95%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
204 - IWM
From 9/1/2015 Through 9/30/2015

		<u>Current Period Actual</u>	<u>Current Year Actual</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
	Revenue				
47650	RECYCLING REVENUE	761.49	2,698.05	5,200.00	(48.11)%
56150	FRANCHISE FEES	0.00	0.00	7,000.00	(100.00)%
	Total Revenue	<u>761.49</u>	<u>2,698.05</u>	<u>12,200.00</u>	<u>(77.88)%</u>
	Expense				
61000	EMPLOYEE GROSS WAGE	1,251.63	2,736.59	10,313.00	73.46%
65100	DEFERRED RETIREMENT	150.20	328.38	1,314.00	75.01%
65200	MEDICAL INSURANCE AND EXPENSE	301.61	944.37	5,017.00	81.18%
65250	Health Savings Program	3.36	10.08	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	0.00	372.00	100.00%
65600	PAYROLL TAX	107.24	234.46	938.00	75.00%
65800	Grant Payroll Allocation	(37.91)	(93.33)	0.00	0.00%
75120	WASTE RECYCLING PICKUP/DISPOSA	0.00	0.00	500.00	100.00%
75130	GARBAGE	25.58	131.18	0.00	0.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	0.00	1,200.00	100.00%
	Total Expense	<u>1,801.71</u>	<u>4,291.73</u>	<u>19,654.00</u>	<u>78.16%</u>
	Net Income	<u>(1,040.22)</u>	<u>(1,593.68)</u>	<u>(7,454.00)</u>	<u>(78.62)%</u>

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
601 - Water
From 9/1/2015 Through 9/30/2015

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
Revenue					
53020	INTEREST INCOME	0.00	0.00	1,500.00	(100.00)%
53090	OTHER MISCELLANEOUS INCOME	957.32	2,497.32	2,500.00	(0.11)%
57100	WATER SALES	26,688.55	77,072.25	305,000.00	(74.73)%
57300	NEW WATER HOOK UPS	0.00	0.00	2,000.00	(100.00)%
57500	WATER A/R PENALTIES	317.25	(366.24)	1,000.00	(136.62)%
	Total Revenue	27,963.12	79,203.33	312,000.00	(74.61)%
Expense					
61000	EMPLOYEE GROSS WAGE	11,933.42	25,792.46	101,244.00	74.52%
61250	OVERTIME	0.00	0.00	500.00	100.00%
65100	DEFERRED RETIREMENT	1,357.35	2,939.32	11,708.00	74.89%
65200	MEDICAL INSURANCE AND EXPENSE	2,563.10	7,648.10	37,110.00	79.39%
65250	Health Savings Program	25.56	76.68	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	(2,408.70)	(2,408.70)	3,495.00	168.92%
65600	PAYROLL TAX	996.09	2,147.99	8,759.00	75.48%
65800	Grant Payroll Allocation	(2,841.42)	(4,187.13)	(25,594.00)	83.64%
68090	CRIME BOND	0.00	245.00	0.00	0.00%
68200	INSURANCE - LIABILITY	(438.20)	7,691.25	4,477.00	(71.79)%
68300	PROPERTY & CASUALTY	0.00	2,077.95	2,275.00	8.66%
71110	ATTORNEY-ADMINISTRATIVE TASKS	0.00	0.00	1,000.00	100.00%
71210	CITY ENGINEER-ADMIN. TASKS	0.00	0.00	4,000.00	100.00%
71510	ACCOUNTANT-ADMIN TASKS	468.96	1,294.29	6,500.00	80.09%
71620	AUDITOR-FINANCIAL REPORTS	0.00	0.00	7,000.00	100.00%
72100	BAD DEBTS	0.00	0.00	350.00	100.00%
75180	UTILITIES	1,160.84	3,580.90	13,000.00	72.45%
75190	DUES & MEMBERSHIP	164.20	164.20	1,000.00	83.58%
75220	OFFICE SUPPLIES & EXPENSE	175.00	322.00	3,750.00	91.41%
75280	TRAINING / EDUCATION	0.00	0.00	500.00	100.00%
75300	CONTRACTED SERVICES	0.00	0.00	25,000.00	100.00%
76110	TELEPHONE	83.04	344.53	1,100.00	68.68%
76130	CABLE & INTERNET SERVICE	61.95	185.85	750.00	75.22%
76160	LICENSES & FEES	0.00	0.00	2,750.00	100.00%
78120	STREET LIGHTING	0.00	0.00	1,600.00	100.00%
78140	VEHICLE FUEL & OIL	79.53	169.88	1,500.00	88.67%
78150	VEHICLE REPAIRS	483.72	934.71	2,000.00	53.26%
78160	BUILDING REPAIRS & MAINTENANCE	139.50	159.61	1,000.00	84.04%
78170	SECURITY SYSTEM	25.00	98.50	500.00	80.30%
78190	MATERIALS, SUPPLIES & EQUIPMEN	76.81	305.22	12,500.00	97.56%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	0.00	1,000.00	100.00%
79100	WATER LAB FEES	105.00	580.00	3,500.00	83.43%
79120	WATER PLANT CHEMICALS	1,265.18	1,613.12	9,500.00	83.02%
79130	WATER LINE HOOK-UPS	0.00	0.00	2,000.00	100.00%
79150	WATER LINE REPAIR	(104.86)	(104.86)	15,000.00	100.70%
79160	WATER PLANT REPAIR	1,243.00	7,810.35	17,000.00	54.06%
90000	Capital Reserves	0.00	0.00	15,000.00	100.00%
	Total Expense	16,614.07	59,481.22	292,774.00	79.68%
	Net Income	11,349.05	19,722.11	19,226.00	2.58%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
701 - Cemetery
From 9/1/2015 Through 9/30/2015

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Revenue				
58100	CEMETERY PLOT SALES	3,410.00	4,910.00	9,500.00	(48.32)%
58150	Cemetery Plot Refunds	0.00	(1,410.00)	0.00	0.00%
	Total Revenue	3,410.00	3,500.00	9,500.00	(63.16)%
	Expense				
61000	EMPLOYEE GROSS WAGE	1,585.19	3,329.53	12,956.00	74.30%
65100	DEFERRED RETIREMENT	190.23	399.55	1,663.00	75.97%
65200	MEDICAL INSURANCE AND EXPENSE	377.98	1,185.02	6,413.00	81.52%
65250	Health Savings Program	4.20	12.60	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	0.00	471.00	100.00%
65600	PAYROLL TAX	135.79	285.23	1,187.00	75.97%
65800	Grant Payroll Allocation	(44.37)	(121.69)	0.00	0.00%
75180	UTILITIES	0.00	193.00	700.00	72.43%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	0.00	1,200.00	100.00%
	Total Expense	2,249.02	5,283.24	24,590.00	78.51%
	Net Income	1,160.98	(1,783.24)	(15,090.00)	(88.18)%



CONSENT AGENDA ITEM 2

SUPPORTING DOCUMENTATION FOLLOWS WITH: 1 PAGES

2. Law Enforcement Report October 2015



CONSENT AGENDA ITEM 3

SUPPORTING DOCUMENTATION FOLLOWS WITH: 3 PAGES

3. GHD Scope of Services for the Water Treatment Plant Operations and Maintenance Manual.

CONSENT AGENDA ITEM

Date: November 10, 2015

Item: **AUTHORIZE CITY MANAGER TO SIGN GHD, INC. SCOPE FOR SERVICES FOR THE WATER SYSTEM UPGRADE PROJECT**

Background: On June 8, 2013, City Council adopted Resolution 2013-04, authorizing the City Manager to enter into a Funding Agreement for \$2,000,000 with the California Department of Public Health (CDPH) for improvements to the water system funded through Chapter 4.a.1 of Proposition 50. The City Manager signed the Funding Agreement No. 5013A107 on July 30, 2013. The State Water Resources Control Board (SWRCB) now administers this grant agreement.

The Water System Upgrade Project is nearing completion. The last task for this project is to develop an Operations & Maintenance (O & M) Manual for the Water Treatment Plant. City staff began working with GHD starting in October to complete this manual by early 2016. GHD will develop schematic diagrams and photo documentation for the Manual.

The overall budget for the O & M Manual is \$35,636, to be reimbursed through the Prop 50 funding agreement with the State Water Resources Control Board. A Scope of Services for Water Treatment Plant O & M Manual with GHD for \$12,500 is attached. The City will be reimbursed \$23,136 for staff time and incidental expenses relating to development of the Manual.

This is a retroactive approval being requested – the City Manager has already signed the agreement.

Staff Recommendation: Authorize City Manager to sign the GHD Inc. Scope for Services.

Attachments:

- GHD Scope of Services for the City of Trinidad for the Water Treatment Plant O & M Manual Schematics and Photo Documentation.

Scope of Services
City of Trinidad
Water Treatment Plant O&M Manual
Schematics and Photo Documentation

INTRODUCTION

This scope of work is to provide O&M manual preparation assistance for the City's recently upgraded water treatment plant. This agreement is based on a prime agreement between the City of Trinidad and GHD dated May 20, 2008 and any subsequent amendments to this prime agreement. All provisions of the prime agreement apply to this agreement unless noted otherwise in this agreement.

The City of Trinidad staff are preparing an Operations & Maintenance (O&M) manual for the recently upgraded water treatment plant. The City has requested that GHD provide limited services associated with the preparation of the O&M manual. Specifically GHD will prepare treatment plant schematics and photo documentation to support the City's development of the overall O&M manual. The scope of services for this support is encompassed in the following tasks:

Task 1: O&M Manual Schematics and Photo Documentation Kick Off

It is envisioned that one kickoff meeting will take place at the treatment plant to review the overall O&M manual project, discuss GHD's scope and approach for preparing the schematics and photo documentation, and for completing an initial site evaluation.

Task 2: O&M Manual Schematic and Photo Documentation Data Collection

The existing water treatment plant has been modified many times since it was originally constructed. The design plans that have been prepared in the past have been focused on the specific areas of upgrade. As such, no single set of plans exists that covers all of the existing facilities. The purpose of this task is to review the existing plans and begin the process of extracting data and creating the schematics of the current system. This task helps to serve as the basis for conducting the field investigations that are necessary to further evaluate the actual field conditions and to gather missing information.

Field investigations are needed to coordinate what can be extracted from historical plans with what is seen to exist in the field. The field investigations will be used to update and expand the schematic diagrams. The information gathered in this step will be used in the development of the electronic versions of the diagrams.

In addition to reviewing existing data and collecting field information, another data source will be the current operators. GHD will gather information regarding the important operational components of the system that can be the focus of the photo documentation and mapping. This is also an important step in the process where GHD will work with staff on developing and equipment and valve identification and naming convention that will be used on the schematic diagrams. The City can then prepare and attach equipment and valve tags to help coordinate the City's O&M procedures with the actual field equipment and valves.

Task 3: Photo Documentation of Critical Process Elements

Based on consultation with City staff, the critical process elements will be photo documented so that the City can coordinate the documentation with the procedures outlined in the City's O&M manual. The documentation will typically highlight the elements of the system that require operator attention during operational procedures so that there is a visual link between a procedure and the actual field equipment.

Task 4: Generation of AutoCAD Schematic Diagrams

Based on the research of the existing design files and the field investigations and discussions with City staff, schematic diagrams of the overall system will be prepared. These will be prepared in Figure border format and will be coordinated with the City's overall O&M manual and the processes and procedures identified by the City in the manual. These diagrams will include the equipment and valve tag numbers.

Task 5: Annotation of Photos

The photographs collected during the field procedures will be organized and selected to represent the processes included in the City's written O&M manual. The selected photographs will be annotated to identify the critical components within the photographs that require operations. The photos and annotation strategies will be coordinated with the City to reflect the narratives developed by the City in the manual. Equipment and valve tag numbers will also be identified on the photos as appropriate.

BUDGET

The budget for these support services is \$12,500 based on GHD's current fee schedule. The amount of detail will be catered to fit within this budget unless further authorized by the City.

SCHEDULE

It is envisioned that this process will take approximately two months to complete, but the actual schedule will depend on the City's schedule to prepare the overall O&M manual.

AGREED

City of Trinidad

GHD

Dan Berman 10/7/15

Dan Berman, City Manager, Date

Steve McHaney 10/7/15

Steve McHaney, Project Manager, Date

Fund 605 Account 75300

Trinidad Accounting Tracking Number



CONSENT AGENDA ITEM 4

SUPPORTING DOCUMENTATION FOLLOWS WITH: 7 PAGES

4. Master Agreement for City Planning Services with Streamline Planning Consultants.

CONSENT AGENDA ITEM

Date: November 10, 2015

Item: **MASTER AGREEMENT FOR CITY PLANNING SERVICES WITH
STREAMLINE PLANNING CONSULTANTS.**

Background: The City's master agreement with Streamline Planning Consultants for a wide range of Planning Services is out of date, and does not include current standard contract language. The attached agreement has received legal review, and incorporates current insurance and indemnity requirements recommended by PARSAC, Trinidad's primary insurance provider. It is a two year agreement that can be easily extended. This agreement can be cancelled by either party at will.

Staff Recommendation:

1) Authorize Mayor to sign the agreement for services with Streamline Planning Consultants.

Attachments:

- Agreement for Planning Services with Streamline Planning Consultants

AGREEMENT FOR PLANNING SERVICES

THIS AGREEMENT is made and entered into this ____ day of _____, 2015, by and between the City of Trinidad, an incorporated City located within the County of Humboldt, State of California (hereinafter "City") and Streamline Planning Consultants, a California Corporation (hereinafter "Planner").

1. Agreed Facts. This Agreement is made with respect to the following facts:

(a) Robert Brown, who is the president of Planner, served as City Planner for City from July, 1989 to January 1, 2006. Thereafter, another employee of Planner, Trevor Parker, also served as City Planner, and continues to so serve.

(b) Planner has rendered, and continues to render, services to City as City Planner under an agreement between the parties.

(c) City and Planner wish to reduce their existing agreement to writing.

2. Duration. City hereby retains Planner to perform planning services for City pursuant to this Agreement from July 1, 2015 until July 1, 2017 unless earlier terminated pursuant to the provisions of paragraph 4. Either party may elect to extend the duration of this agreement for two more years - until July 1, 2019. Any such election must be in writing and received no later than 60 days before the contract is scheduled to terminate.

3. Tenure and Status. Planner shall serve at the will and pleasure of the City Council of City and Planner expressly waives and disclaims any right to any pre-termination or post-termination notice and/or hearing, except as hereinafter provided. In providing services pursuant to this Agreement, Planner and its employees are an independent contractor and not an employee of City. City shall have no obligation to withhold taxes, provide workers' compensation coverage or unemployment insurance. Planner shall provide worker's compensation coverage for any employees performing work on City's behalf.

4. Termination. Either party may terminate this Agreement, with or without cause, by giving at least thirty (30) days' prior written notice of termination to the other party. Within a reasonable time after such termination, Planner shall be paid all amounts due on the effective date of termination. Upon termination, all finished and unfinished documents, data, studies, and reports prepared by Planner under this Agreement shall become City's property.

5. Duties. Planner shall perform such planning services for City as are required by law of a City Planner or are requested by the City Council of City and/or the City Manager, including, but not limited to, writing, administering and completing tasks for grants as requested by the City Manager or the City Council, meeting and conferring with applicants; processing applications, performing environmental review where appropriate; preparing staff reports and notices of determination; noticing public hearings; attending Planning Commission meetings and City Council meetings as requested by the City Council and/or City Manager; advising and consulting with staff and the City Council of City; and providing City with advice and counsel in oral

or written form pertaining to municipal planning matters as requested by the City Council of City and/or its City Manager. Trever Parker shall be designated as City Planner and shall be responsible to report directly to the City Council of City and/or the City Manager. Trever Parker may only be replaced with advance, written consent of City.

6. Compensation and Reimbursement for Expenses. City will pay Planner for all planning and related clerical services of whatever nature computed on a time and materials basis in accordance with the Fee Schedule marked "Exhibit 'A'" and attached hereto. Included in this reimbursement will be costs advanced on the City's behalf including copying charges, postal expenses, mileage, charges for recordation and certification of documents and other reasonable and necessary expenses in accordance with the Fee Schedule marked "Exhibit 'A'" and attached hereto. Said Fee Schedule may only be changed by a written amendment to this agreement.

7. Billing. Planner shall submit a bill to City for all services and reimbursement covered by this Agreement within fifteen (15) days of the end of each calendar month. Such bill shall become due and payable upon receipt.

8. Other Clients. Planner may maintain an active planning practice or any other job, occupation, or profession, but Planner shall not represent clients in planning matters if representation of City would pose a conflict of interest for Planner. Any potential conflicts must be disclosed to the City. If a conflict cannot be avoided, Planner must assist City in finding an alternative Planner to handle the conflict matter.

9. Insurance Requirements. Planner shall maintain and shall require all of its subcontractors, consultants, and other agents to maintain the insurance listed below. Any requirement for insurance to be maintained after completion of the work shall survive this agreement.

City reserves the right to review any and all of the required insurance policies and/or endorsements, but has no obligation to do so. Failure to demand evidence of full compliance with the insurance requirements set forth in this agreement or failure to identify any insurance deficiency shall not relieve Planner from, nor be construed or deemed a waiver of, its obligation to maintain the required insurance at all times during the performance of this agreement.

A. Workers Compensation & Employers Liability Insurance

- Required if Planner has employees.
- Workers' Compensation insurance with statutory limits as required by the Labor Code of the State of California.
- Employers Liability with limits of \$1,000,000 per Accident; \$1,000,000 Disease per employee; \$1,000,000 Disease per policy.
- Required Evidence of Coverage: Properly completed Certificate of Insurance.
If Planner currently has no employees, Planner agrees to obtain the above-specified Workers Compensation and Employers Liability insurance should any employees be engaged during the term of this Agreement or any extensions of the term.

B. General Liability Insurance

- Commercial General Liability Insurance no less broad than Insurance Services Office

(ISO) form CG 00 01.

- Coverage shall be on a standard Occurrence form. Claims-Made forms are not acceptable without prior written consent. Modified, limited or restricted Occurrence forms are not acceptable without prior written consent.
- Minimum Limits: \$1,000,000 per Occurrence; \$2,000,000 General Aggregate; \$2,000,000 Products/Completed Operations Aggregate. The required limits may be provided by a combination of General Liability Insurance and Commercial Excess or Umbrella Liability Insurance. If Planner maintains higher limits than the specified minimum limits, City requires and shall be entitled to coverage for the higher limits maintained by Planner.
- Any deductible or self-insured retention shall be shown on the Certificate of Insurance. If the deductible or self-insured retention exceeds \$25,000 it must be approved in advance by City. Planner is responsible for any deductible or self-insured retention and shall fund it upon City's written request, regardless of whether Planner has a claim against the insurance or is named as a party in any action involving City.
- City shall be endorsed as an additional insured for liability arising out of operations by or on behalf of the Planner.
- The policy definition of "insured contract" shall include assumptions of liability arising out of both ongoing operations and the products-completed operations hazard ("f" definition of insured contract in ISO form CG 00 01, or equivalent).
- The insurance provided to City as an additional insured shall be primary to, and non-contributory with, any insurance or self-insurance program maintained by City.
- The policy shall cover inter-insured suits and include a "separation of Insureds" or "severability" clause which treats each insured separately.
- Required Evidence of Coverage:
 1. Copy of the additional insured endorsement or policy language granting additional insured status;
 2. Copy of the endorsement or policy language indicating that coverage applicable to City is primary and non-contributory; and
 3. Properly completed Certificate of Insurance.

C. Automobile Liability Insurance

- Minimum Limit: \$1,000,000 combined single limit per accident.
- Coverage shall apply to all owned autos. If Planner currently owns no autos, Planner agrees to obtain such insurance should any autos be acquired during the term of this agreement or any extensions of the term.
- Coverage shall apply to hired and non-owned autos.
- Required Evidence of Coverage: Properly completed Certificate of Insurance.

D. Professional Liability/Errors & Omissions Insurance

- Minimum Limits: \$1,000,000 per claim or per occurrence; \$1,000,000 annual aggregate.
- Any deductible or self-insured retention shall be shown on the Certificate of Insurance. If the deductible or self-insured retention exceeds \$25,000 it must be approved in advance by City.
- If the insurance is on a Claims-Made basis, the retroactive date shall be no later than the commencement of the work.

- Coverage applicable to the work performed under this agreement shall be continued for two (2) years after completion of the work. Such continuation coverage may be provided by one of the following: (1) renewal of the existing policy; (2) an extended reporting period endorsement; or (3) replacement insurance with a retroactive date no later than the commencement of the work under this agreement.
- Required Evidence of Coverage: Properly completed Certificate of Insurance.

E. Standards for Insurance Companies

- Insurers, other than the California State Compensation Insurance Fund, shall have an A.M. Best's rating of at least A:VII.

F. Documentation

- The Certificate of Insurance shall include the following reference: **(City of Trinidad Contract for Planning Services)**.
- The name and address for Additional Insured endorsements and Certificates of Insurance is: **City of Trinidad, PO Box 390, Trinidad CA 95570**
- Planner shall provide immediate written notice if: (1) any of the required insurance policies is terminated; (2) the limits of any of the required policies are reduced; or (3) the deductible or self-insured retention is increased.
- Current Evidence of Coverage shall be provided for the entire required period of insurance.
- Upon written request, certified copies of required insurance policies shall be provided within thirty (30) days.

10. Services not Covered. It is expressly understood and agreed that Planner shall have no general responsibility for overseeing City operations or for planning services in connection with any matter that Planner is not specifically requested to undertake or is not required of Planner by reason of Planner's capacity as City Planner. It is also understood and agreed that City may obtain planning services from time to time from other planners concerning special matters.

11. Liability for Professional Negligence.

(a) Indemnification for Professional Liability. Where the law establishes a professional standard of care for Planner's Services, to the fullest extent permitted by law, Planner shall indemnify, protect, defend and hold harmless City and any and all of its officials, employees and agents ("Indemnified Parties") from and against any and all losses, liabilities, damages, costs and expenses, including attorney's fees and costs to the extent same are caused in whole or in part by any negligent or wrongful act, error or omission of Planner, its officers, agents, employees or sub-consultants (or any entity or individual that Planner shall bear the legal liability thereof) in the performance of professional services under this Agreement.

(b) Indemnification for Other than Professional Liability. Other than in the performance of professional services and to the full extent permitted by law, Planner shall indemnify, protect, defend and hold harmless City, and any and all of its employees, officials and agents from and against any liability (including liability for claims, suits, actions, arbitration proceedings, administrative proceedings, regulatory proceedings, losses, expenses or costs of any kind,

whether actual, alleged or threatened, including attorneys fees and costs, court costs, interest, defense costs, and expert witness fees), where the same arise out of, are a consequence of, or are in any way attributable to, in whole or in part, the performance of this Agreement by Planner or by any individual or entity for which Planner is legally liable, including but not limited to officers, agents, employees or sub-contractors of Planner.

(c) Limitation of Indemnification. Notwithstanding any provision of this [Indemnification] to the contrary, design professionals are required to defend and indemnify the City only to the extent permitted by Civil Code Section 2782.8, which limits the liability of a design professional to claims, suits, actions, arbitration proceedings, administrative proceedings, regulatory proceedings, losses, expenses or costs that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the design professional. The term "design professional," as defined in Section 2782.8, is limited to licensed architects, licensed landscape architects, registered professional engineers, professional land surveyors, and the business entities that offer such services in accordance with the applicable provisions of the California Business and Professions Code.

(d) The provisions of this section do not apply to claims occurring as a result of City's sole or active negligence. The provisions of this section shall not release City from liability arising from gross negligence or willful acts or omissions of City or any and all of its officials, employees and agents.

12. Contract Terms Are Exclusive. This written agreement contains the sole and entire agreement between the parties. It supersedes any and all other agreements between the parties. The parties acknowledge and agree that neither of them has made any Agreement or any representation including the execution and delivery hereof except such representations as are specifically set forth herein, and each party acknowledge that it has relied on its own judgment entering into this Agreement.

13. Waiver or Modification Ineffective Unless in Writing. No waiver or modification of this Agreement or of any covenant, condition, or limitation herein contained shall be valid unless in writing and duly executed by the party to be charged therewith.

14. Contract Governed by Laws of State of California. This Agreement and performance hereunder and all suits and special proceedings hereunder shall be construed in accordance with the laws of the State of California. In any action, special proceeding, or other proceeding that may be brought arising out of, in connection with, or by reason of this Agreement, the laws of the State of California shall be applicable and shall govern to the exclusion of the law of any other forum, without regard to the jurisdiction in which the action or special proceeding may be instituted.

IN WITNESS WHEREOF, the parties have executed this Agreement in duplicate on the date and year first above written and make it effective on _____, 2015.

Streamline Planning Consultants

CITY OF TRINIDAD

By: Robert Brown
Robert Brown, President

Mayor

Attest:

City Clerk



CONSENT AGENDA ITEM 5

SUPPORTING DOCUMENTATION FOLLOWS WITH: 8 PAGES

5. Agreement with Streamline Planning for Services with Coastal Commission LCP Grant Project.

CONSENT AGENDA ITEM

Date: November 10, 2015

Item: STREAMLINE PLANNING CONSULTANT AGREEMENT FOR SERVICES FOR COASTAL COMMISSION LCP GRANT PROJECT.

Background: On June 4, 2014, City Council adopted Resolution 2014-07, approving the application to the California Coastal Commission for funding through the Local Coastal Program (LCP) Planning Assistance Grant. The goal of the project is to update the City's LCP in conformance with the California Coastal Act, bring the Harbor Area of Deferred Certification (ADC) into the Trinidad LCP and to reflect current circumstances and new scientific information, including new understandings and concern for the effects of climate change.

Under the Grant Project Scope, Streamline Planning Consultants (SPC) will be the project manager and provide services for 1) stakeholder coordination and consultation, 2) climate change planning, 3) needs assessment for implementation plan, 4) tribal consultation and incorporation of Tsurai Management Plan into LCP, 5) development of policies and regulations for the Harbor ADC, 6) updating the LCP. The Grant Project term is April 13, 2015 to April 1, 2017.

Agreement for Services with SPC for \$51,650 is attached. The cost for the contracted services will be reimbursed through the LCP Planning Assistance grant agreement No. LCP-14-02 with the Coastal Commission.

Staff Recommendation:

1) Authorize City Manager to sign the agreement for services with Streamline Planning Consultants.

Attachments:

- Agreement for Services for a Coastal Commission LCP Planning Assistance Grant Project.

Agreement for Services between City of Trinidad and Streamline Planning Consultants

For

Assistance with the Trinidad Local Coastal Program Sea-Level Rise Update Project

Introduction

This agreement, dated _____, 2015 is between the City of Trinidad (City) and Streamline Planning Consultants (SPC) to provide assistance with the Trinidad Local Coastal Program (LCP) Sea-Level Rise (SLR) Update Project being funded by a grant from the Coastal Commission Local Coastal Program Local Assistance Grant Program, grant agreement No. LCP-14-02. This agreement is based on a prime agreement between the City of Trinidad and Streamline Planning Consultants dated May 12, 2015. All provisions of the prime agreement apply to this agreement unless noted otherwise in this agreement.

The purpose of this LCP Update Project is to update the City's Local Coastal Program (LCP) documents to guide current and future decisions in protecting the natural and built environment, residents and visitors, economic assets and quality of life.

This project consists of the planning, coordination, research and LCP revisions necessary to update significant portions of the most outdated LCP in California. The intent is to develop policies, programs and regulations that reflect the changed conditions, effects of climate change and new scientific knowledge since the LCP was certified in 1980, and that will lead to certification of all areas within City limits. This includes some of the more difficult tasks remaining to update the LCP and will result in a better, more anticipatory product that will be less subject to appeals and needed updates.

The scope of service is broken up into several tasks described below. These tasks align with those included in the City's Grant Agreement with the Coastal Commission.

TERMS AND CONDITIONS

In addition to the terms and conditions outlined herein, the terms and conditions of this agreement shall be in accord with and encompass those terms and conditions set forth in the Coastal Commission Grant Agreement No. LCP-14-02, attached hereto as Exhibit A.

SCOPE OF WORK, SCHEDULE AND DELIVERABLES

TASKS: The project consists of six main tasks in addition to Project Management / Grant Administration. Listed in order of timing (start date), these are: (1) Stakeholder coordination and consultation; (2) Conduct climate change planning; (3) Perform a Needs Assessment for the Implementation Plan; (4) Tribal consultation and incorporation of the Tsurai Management Plan into the LCP; (5) Development of policies and regulations for the Trinidad Harbor Area of Deferred Certification; (6) Update the LCP; and (7) Project Management. The following narrative provides a more detailed description of each of the tasks.

1. Stakeholder coordination and consultation

SPC will start early consultation with Coastal Commission staff to avoid unnecessary delays during the certification process. Meetings with the Coastal Commission staff will generally occur every other month unless a specific issue warrants additional meeting(s). These meetings with Coastal Commission

staff will provide an opportunity to scope upcoming grant tasks and track progress as well as provide direct consultation on and review of various components of the LCP update. Following a Needs Assessment, stakeholders will be solicited for their concerns and input regarding the entire Land Use Plan update with an emphasis on a Cultural Element, and climate change issues. Important stakeholders include residents in Trinidad and the surrounding community, the Trinidad Bay Watershed Council (TBWC) (for their watershed expertise), Trinidad Rancheria (harbor and pier owner/operators), GHD Engineers (City engineers), Tsurai Management Team (TMT) (tribal expertise and policy enhancement), Humboldt County, CA Department of Parks and Recreation, HSU Marine Lab, Bureau of Land Management, business owners and fishermen, among others. The Planning Commission and City Council will continue with their revisions and review of the remaining elements and ordinances.

Streamline Planning will be responsible for: Organizing and coordinating stakeholder meetings, producing outreach materials, preparing summaries of comments and meeting minutes.

City Engineer will participate in stakeholder outreach and meetings as needed.

City Staff will be responsible for: distributing outreach materials and participating in stakeholder meetings as grant budget allows. City Staff may organize TBWC meetings provided other grant funding sources are available.

2. Conduct climate change planning

The climate change planning will be based on the best available science on sea level rise and the Commission's Draft Sea Level Rise Guidance on an interim basis, and the Final Sea Level Rise Guidance once adopted by the Commission to inform the Sea-Level Rise Vulnerability Assessment. In addition to impacts from sea level rise, other aspects of climate change also need to be addressed, including domestic water demand, supply and storage, wildfire hazards, energy conservation, etc. Trinidad must identify the most significant potential climate change risks and vulnerabilities, optimally by conducting focused studies and assessments. With this grant, Streamline will compile and synthesize existing data and best available science. While the funding will not allow detailed technical studies, Streamline can use the analysis and extrapolation of existing data and collection of limited new data to complete hazard and vulnerability reports. Climate change information, data and projections will be collected to evaluate the risks to coastal resources and development in the planning area, determine planning deficiencies or consistencies and identify priority problem areas. That process will characterize and prioritize climate change vulnerabilities as well as identify and recommend appropriate adaptation responses designed to protect coastal and public resources. Preference will be given to adaptation measures that adhere to the *Safeguarding California Plan for Reducing Climate Risk* principles, including measures that protect California's most vulnerable populations, achieve multiple benefits from efforts to reduce climate risks and prioritize green infrastructure solutions, and that integrate climate risk reduction with emissions reductions to the fullest extent possible.

SPC will coordinate and share information and lessons learned as appropriate with other LCP planning grant recipients, regional local governments, and other entities, as appropriate. This includes participating in webinars, regional workshops and other events, and scheduling coordination meetings as needed. Restrictions may apply to grant reimbursement for some of these costs, as set forth in the Grant Agreement.

Streamline Planning will be responsible for: Helping to compile existing information, support for synthesizing and analyzing existing information, updating LCP maps, recommending adaption responses, developing a plan to incorporate climate change recommendations into the LCP, participating in

information sharing and dissemination opportunities as appropriate, participating the preparation of a Climate Change Vulnerability Report and Adaptation Response Recommendations.

City Engineer will be responsible for: Compiling existing information, synthesizing and analyzing existing information, updating GIS data and maps, recommending adaption responses, developing a plan to incorporate climate change recommendations into the LCP, participating in information sharing and dissemination opportunities as appropriate, preparation of a Climate Change Vulnerability Report and Adaptation Response Recommendations.

City Staff will be responsible for: Providing administrative support for the above tasks through locating documents, making copies, etc.

3. Perform a Needs Assessment for the Implementation Plan

This task will include a comprehensive review of the implementation ordinances (Zoning (Ord. 166), Subdivision (Ord. 163), Grading (Ord. 164) and Building (Ord. 165)) for internal consistency, consistency with the current Coastal Act and Regulations and consistency with the draft General Plan / Land Use Plan. The Coastal Commission's LCP Update Guide will be used to aid this review, and Coastal Commission staff will be closely consulted. Based on the review, a Needs Assessment will be prepared that summarizes the results of the consistency analysis and that highlights areas where changes and updated need to be made or additional information gathered.

Streamline Planning will be responsible for: Consulting with Coastal Commission staff, assessing data gaps, deficiencies and needs for implementing ordinances, identify inconsistencies with current Coastal Act policies and regulations, draft LUP policies and internal inconsistencies within implementing ordinances, develop Needs Assessment based on the consistency review in consultation with Coastal Commission staff.

City Staff will be responsible for: Providing administrative support such as copies. (\$0 budgeted, \$350 match)

4. Tribal consultation and incorporation of the Tsurai Management Plan into the LCP

The goal for this task will be to have at least one initial meeting with each of the three Tribal entities at the beginning of this task. SPC will also set up at least one meeting with all of the entities together early in the process to find commonalities and try to resolve any inconsistencies. It is also intended to have at least one meeting towards the end of this task to get input on a more final draft. Additional meetings will be arranged as feasible and as needed. This process has to remain flexible in order to accommodate meaningful consultation that is acceptable to each of the Tribal entities. One of the goals will be to develop consultation protocols and appropriate lines of communication that will ensure that ongoing consultation and cooperation is successful. While consensus on the various policies and regulations is ideal, the City will likely have to balance conflicting priorities while maximizing protection of cultural and coastal resources.

Streamline Planning will be responsible for: Encouraging and facilitating tribal participation in the development of a Cultural Resources Element and input on other portions of the Land Use Plan through individual and group meetings, integrating Tribal input into Cultural Resource Element and the rest of the Land Use Plan; incorporating policies and recommendations of the Tsurai Management Plan into the Land Use Plan in consultation with the Tsurai Management Team, submission to and review of draft cultural resource policies by Coastal Commission staff, facilitating Planning Commission review and recommendation on draft Cultural Resources Element, developing regulations for incorporation into implementation ordinances that will facilitate and carry out the policies and recommendations of the Cultural Resources Element and Tsurai Management Plan, continuing Tribal and Coastal Commission staff consultation.

City Engineer will participate in discussions with the tribes and provide input on the Cultural Resources Element.

City Staff will participate in the discussions with Tribes in the development of a Cultural Resources Element and input on other options of the Land Use Plan through individual and group meetings.

5. Development of policies and regulations for the Trinidad Harbor Area of Deferred Certification

SPC will evaluate the Trinidad Harbor Area policies and update and add new policies as needed based on stakeholder input, changed conditions, potential sea level rise and climate change impacts, environmental constraints, etc.

These policies will need to be reviewed and coordinated with the Trinidad Rancheria as the property owner, the Coastal Commission, which would retain permitting jurisdiction of the submerged and intertidal lands, and other stakeholders, and translated to the implementation (zoning) ordinance. Likely, at least two meetings will be required to gather appropriate input. Once the stakeholder outreach meetings have occurred, SPC will work with Coastal Commission staff, and the Trinidad Rancheria to develop final draft policies and regulations that are consistent with the Coastal Act, environmental constraints and climate change considerations. These will be presented to the Planning Commission for recommendation to the City Council.

Streamline Planning will be responsible for organizing and facilitating meetings with the Trinidad Rancheria and other stakeholders to develop mutually agreeable policies and regulations for the Harbor Area consistent with the Coastal Act, climate change and other considerations, integrating harbor policies and regulations into the LCP in consultation with Coastal Commission staff and the Trinidad Rancheria, facilitating Planning Commission review and recommendation of harbor policies

City Engineer will participate in stakeholder discussions and review and provide input on the policies and regulations for the Harbor Area.

City Staff will be responsible for providing administrative support such as copies and participating in meetings as budget allows.

6. Update the LCP

Based on the work done as part of the first five tasks, SPC will finish updating its General Plan / Land Use Plan and complete a comprehensive update of the Zoning Ordinance / Implementation Plan. This will incorporate stakeholder input, sea level rise planning and other information gathered as part of this process, including the Needs Assessment. The background reports and information along with the updated LCP will be presented to the Planning Commission for review and recommendation to the City Council. Finally, public hearings will be held before the City Council. It is intended that at the end of the grant period, the entirety, or at least majority of the LCP update be adopted by the City Council. However, public input and other issues, such as environmental review / CEQA and formal Tribal Consultation requirements, may delay all or parts of the update from being adopted within the two year time-frame.

SPC will coordinate with the Coastal Commission's mapping unit on the development of maps for the LCP. SPC will submit the LCP documents (text, maps, and/or exhibits) to the Coastal Commission staff in paper hardcopy as well as an electronic copy in permanent format (such as an Adobe Acrobat .pdf file) and one electronic copy in an editable format (such as in Microsoft Word .doc).

Streamline Planning will be responsible for updating the Implementation Plan based on the Needs Assessment, integrating new information, stakeholder input, including early consultation with Coastal Commission staff, and any climate change response recommendations into LCP policies and regulations, presenting results of assessments, studies and stakeholder input to the Planning Commission, facilitating

Planning Commission review and recommendation of LCP updates, facilitating City Council review / hearings, and continuing to consult with Coastal Commission staff and develop a submittal process plan and date for LCP certification.

City Engineer will be responsible for reviewing and providing input and recommendations on the LCP update policies and regulations.

City Staff will be responsible for providing support such as copies and meeting notices and participating in meetings for the LCP update.

7. Project Management

Streamline Planning will be responsible for submitting timeline invoices and meet the grant requirements and information to support time billed and updates for the quarterly reports, tracking and managing the Streamline budget, tasks and deliverables, and drafting the final report.

City Staff will be responsible for managing subcontractors, compiling and submitting quarterly invoices and reports, overseeing task activities, and submitting grant close out materials and the final report.

SCHEDULE AND DELIVERABLES

Project Begin date: 4/13/2015 Project End Date: 4/1/2017

Task 1. Stakeholder coordination and consultation	Begin date: 04/13/15 End Date: 04/01/17
1.1 Targeted stakeholder meetings (e.g. Trinidad Bay Watershed Council)	Begin date: 05/01/15 End Date: 01/01/16
1.2 Planning Commission (PC) meetings / workshops	Begin date: 01/01/16 End Date: 05/01/16
1.3 City Council meetings / workshops	Begin date: 05/01/15 End Date: 09/01/16
1.4 BI-monthly meetings with Coastal Commission staff	Begin date: 04/13/15 End Date: 04/01/17
Outcome: Meaningful participation from a large and diverse segment of the community; incorporation of public input into the LCP SPC Deliverables: Meeting minutes, summaries of public /stakeholder comments	Completion Date: Stakeholder meetings / minutes: 02/01/16 PC meetings / minutes: 06/01/16 City Council meetings / minutes: 10/01/16
Task 2. Conduct Climate Change Planning	Begin date: 04/13/15 End Date: 04/01/17
2.1 Compile existing information and relevant studies	Begin date: 04/13/15 End Date: 08/01/15
2.2 Synthesize and analyze existing information and studies	Begin date: 06/01/16 End Date: 09/01/15
2.3 Update GIS and maps	Begin date: 08/01/15 End Date: 11/01/15
2.4 Identify, prioritize and summarize data gaps and vulnerabilities, and recommend adaptation responses and further studies	Begin date: 10/01/15 End Date: 02/01/16
2.5 Develop plan to incorporate climate change information and recommendations into LCP in consultation with Coastal Commission staff	Begin date: 12/01/15 End Date: 04/13/15
2.6 Participate in information sharing and dissemination opportunities as appropriate	Begin Date: 10/01/15 End Date: 04/01/17
Outcome/SPC Deliverables: (1) Updated maps; (2) Climate Change Vulnerability Report and Adaption Response Recommendations	Complete Date: (1) Maps: 11/01/15 (2) Draft Report: 01/01/16 (3) Final Report: 04/01/16 Benchmark Date
Task 3. Perform Needs Assessment for Implementation Plan	Begin date: 06/01/15 End Date: 02/01/16
3.1 Consult with Coastal Commission staff	Begin date: 06/01/15 End Date: 02/01/16
3.2 Assess data gaps, deficiencies and needs for implementing ordinances	Begin date: 06/01/15 End Date: 02/01/16
3.3 Identify inconsistencies with current Coastal Act policies and regulations, draft LUP policies and internal inconsistencies within implementing ordinances	Begin date: 06/01/15 End Date: 02/01/16
3.4 Develop Needs Assessment based on the consistency review in consultation with Coastal Commission staff	Begin date: 06/01/15 End Date: 02/01/16
Outcome/SPC Deliverables: Implementation Plan Needs Assessment	Complete Date: 02/01/16 Benchmark Date
Task 4. Tribal Consultation and Incorporation of Tsurai Management Plan into LCP	Begin date: 08/01/15 End Date: 10/01/16
4.1 Encourage and facilitate Tribal participation in the development of a Cultural	Begin date: 08/01/15 End Date: 02/01/16

Resources Element and Input on other portions of the Land Use Plan through individual and group meetings	
4.2 Integrate Tribal Input into Cultural Resource Element and the rest of the Land Use Plan	Begin date: 12/01/15 End Date: 06/01/16
4.3 Incorporate policies and recommendations of the Tsurai Management Plan into the Land Use Plan in consultation with the Tsurai Management Team	Begin date: 12/01/15 End Date: 06/01/16
4.4 Submission to and review of draft cultural resource policies by Coastal Commission staff	Begin date: 03/01/16 End Date: 06/01/16
4.5 Planning Commission review and recommendation on draft Cultural Resources Element	Begin date: 03/01/15 End Date: 10/01/16
4.6 Develop regulations for incorporation into Implementation ordinances that will facilitate and carry out the policies and recommendations of the Cultural Resources Element and Tsurai Management Plan	Begin date: 06/01/16 End Date: 10/01/16
4.7 Continuing Tribal and Coastal Commission staff consultation	Begin date: 08/01/15 End Date: 10/01/16
Outcome/SPC Deliverables: (1) Cultural Resources Element of the Land Use Plan with stakeholder input incorporated; (2) Draft regulations to implement the policies and recommendation of the Cultural Resources Element	Complete Date: 10/01/16 Benchmark Date
Task 5. Development of policies and regulations for the Trinidad Harbor Area of Deferred Certification	Begin date: 01/01/16 End Date: 07/01/16
5.1 Stakeholder meetings with the Trinidad Rancheria (property owner) and others (see task description above) to develop mutually agreeable policies and regulations for the Harbor Area consistent with the Coastal Act, climate change, and other considerations	Begin date: 01/01/16 End Date: 05/01/16
5.2 Integrate harbor policies and regulations into the LCP in consultation with Coastal Commission staff and Trinidad Rancheria	Begin date: 03/01/16 End Date: 06/01/16
5.3 Planning Commission review and recommendation of harbor policies and regulations	Begin date: 05/01/16 End Date: 07/01/16 Benchmark Date
Outcome/SPC Deliverables: (1) Updated draft Harbor Area policies; (2) new draft Harbor Area implementing regulations	Complete Date: 07/01/16
Task 6. Update LCP	Begin date: 04/01/16 End Date: 04/01/17
6.1 Update Implementation Plan based on the Needs Assessment	Begin date: 04/01/16 End Date: 10/01/16
6.2 Integrate new information, stakeholder input, including early consultation with Coastal Commission staff, and any climate change response recommendations into LCP policies and regulations	Begin date: 08/01/16 End Date: 02/01/17
6.3 Present results of assessments, studies and stakeholder input to the Planning Commission	Begin date: 04/01/16 End Date: 05/01/16
6.4 Planning Commission review and recommendation of LCP updates	Begin date: 10/01/16 End Date: 02/01/17
6.5 City Council review / hearings	Begin date: 02/01/17 End Date: 04/01/17
6.6 Continue to consult with Coastal Commission staff and develop a submittal process plan and date for LCP certification	Begin date: 04/01/16 End Date: 04/01/17
Outcome/SPC Deliverables: Updated LCP documents ready for adoption by the City Council and submittal to the Coastal Commission for certification	Complete Date: 04/01/17 Benchmark Date
Task 7. Grant Administration / Project Management	Begin date: 04/13/15 End Date: 04/01/17
7.1 Agreement for Services between SPC & City	Begin date: 04/13/15 End Date: NA
7.2 Submit quarterly reports and SPC invoices	Begin date: 04/13/15 End Date: 04/01/17
7.3 Track and manage grant tasks, budget and timeline to ensure requirements are met	Begin date: 04/13/15 End Date: 04/01/17
7.4 Manage and coordinate task activities	Begin date: 04/13/15 End Date: 04/01/17
7.5 Submit grant close out materials / final report	Begin date: 03/01/17 End Date: 04/01/17
Outcome / SPC Deliverable: Final Report	Complete Date: 04/01/17 Benchmark Date

PROJECT BUDGET

Streamline Planning will complete this scope of services on an hourly basis. Streamline Planning will work with the City to provide the above defined tasks within the budget available. Streamline Planning will prepare invoices in accordance with Exhibit A. Grant Agreement and the **Guidance on CCC Grant Invoicing Requirements**. Travel reimbursement rates for this grant project are the same as the standard state employee rates (mileage currently \$0.565/mile). SPC invoices will be submitted no less than quarterly and are due and payable by the City within 21 days after the City is reimbursed by the State. Total compensation to SPC for this project is not to exceed \$51,650. The SPC budget is broken down as follows:

<i>Streamline Planning Expense</i>	<i>LCP Grant Funds</i>	<i>Match/ Other Funds</i>	<i>Total (LCP Grant Funds + Match)</i>
Task 1 – Stakeholder coordination and consultation	\$5,682	\$2,032	\$7,714
Task 2 – Climate Change planning	\$9,525	\$1,357	\$10,882
Task 3 – Needs Assessment for IP	\$3,875	\$1,525	\$5,400
Task 4 – Tribal consultation and incorporation of TMP into LCP	\$8,357	\$1,357	\$9,714
Task 5 – Development of policies and regulations for the Harbor ADC	\$4,525	\$357	\$4,882
Task 6 – Update LCP	\$15,672	\$19,672	\$35,344
Task 7 – Project Management	\$4,014	\$150	\$4,164
Total Direct Costs	\$51,650	\$26,450	\$78,100

Agreed

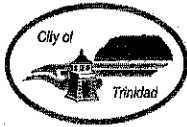
Daniel Berman
Trinidad City Manager

Date

Bob Brown
Streamline Planning Associates

Date

City of Trinidad Account Tracking Number **210**



DISCUSSION AGENDA ITEM 1

SUPPORTING DOCUMENTATION FOLLOWS WITH: 4 PAGES

1. Discussion/Decision regarding Planning Commissioner Appointment.

DISCUSSION AGENDA ITEM

Tuesday, November 11, 2015

Item: Discussion/Decision Regarding Planning Commissioner Appointment.

Background: The recent resignation of Commissioner Kathleen Lake has left the Commission with one vacant position for a term through December 2016.

The current commissioners are:

Chair: Mike Pinske	resident	Term expires December 2016
Diane Stockness	resident	Term expires December 2018
Lisa Espejo	Trinidad area resident	Term expires December 2018
Richard Johnson	Trinidad area resident	Term expires December 2018

As of the Wednesday, November 04 deadline, the city received (3) letters of interest for (1) vacant position from residents **Cliff Poulton, Doren Morgan, and Ben Hawkins**. The applicants all live inside the city limits.

Recommended Action: Appoint (1) member to the Planning Commission for the remaining term through December 2016

Attachments:

- (3) Letters of Interest

Honorable City Council Members

City of Trinidad, CA

RECEIVED OCT 29 2015

10/28/15

I am interested in the open position on the Planning Commission and I meet the minimum qualifications of residency and local voter registration. I am a licensed General Contractor and have been for over 30 years. I have experience as a property owner and developer here, in Trinity County, in the Bay Area and in Oregon. I am currently the Property and Special Projects Manager for the City of Arcata and was the Public Works Superintendent there for most of the previous 4 years. Through those positions and activities I have experienced a fair amount of exposure to planning and zoning issues and have a reasonable understanding of the processes involved. I am open minded, creative and fair.

Please consider me for this position

Best Regards

Cliff Poulton

PO Box 649

811 Underwood St.

Trinidad, CA 95570

City of Trinidad

From: Doren Morgan [doren.morgan2013@gmail.com]

Sent: Monday, November 02, 2015 1:28 PM

To: cityclerk@trinidad.ca.gov

Subject: Interest in serving on Planning Commission

To Whom It May Concern:

RECEIVED 11/02/2015

I would be interested in helping serve our community as I am a new homeowner here in Trinidad. I live here full time and work in Arcata. I am from a fourth generation family here in Humboldt County. We are very fortunate to have such a nice community and I would like to help keep it that way.

Please consider my offer if not for the Planning Commission, then for other positions or as an adviser in whatever capacity is appropriate.

Sincerely,

Doren Morgan
160 Scenic Drive
Trinidad, CA

cell: 916-216-3003
office: 707-822-5510

11/2/2015

Ben Hawkins
330 View Avenue
P.O. Box
Trinidad CA 95570

November 2, 2015

Trinidad City Council
P.O. Box 390
Trinidad, CA 95570

RECEIVED NOV 02 2015

Dear City Council Members,

I am writing at this time to let you know that I am interested in the open position on the Trinidad City Planning Commission. I currently reside at 330 View Avenue and I have lived in Trinidad for the past thirteen years. I previously lived in Ferndale and have been living on the Humboldt North Coast for a total of seventeen years.

I currently enjoy my work as an electrician. I have held this position for the past twelve years. I have worked in the community for over 13 years. I have also been a Trinidad Volunteer Fire Fighter for the past four years and I am currently enrolled in courses to complete my EMT certification at HSU.

My interest in serving on the Trinidad Planning Commission at this time stems from my interest in the ongoing planning and development of the Trinidad community. I enjoy all of the activities that our area has to offer including: surfing, kayaking, fishing, long distance cycling, beaches, hiking and running the trails. I also enjoy our community resources such as the library, restaurants, museum and aquarium. I hope to be of service on the planning commission to support the town development for next generation of Trinidad residents.

I feel my experiences living, working, and playing in this community over the past thirteen years have provided me with the needed perspective to understand and work together toward common goals and processes to provide planning for Trinidad into the future. Through my experience working as an electrician and in the construction industry, I have developed a good understanding in the building permitting process. My experiences as a fire fighter have allowed me to provide needed service to families and neighbors at a time of crisis, with a good understanding of Emergency Management Service planning, and community needs

I look forward to hearing from you regarding the position for Trinidad City Planning Commission.

Thank you,

Ben Hawkins



DISCUSSION AGENDA ITEM 2

SUPPORTING DOCUMENTATION FOLLOWS WITH: 4 PAGES

2. Discussion/Decision regarding HCAOG proposal for a \$30,000 polling study for a Countywide Transportation Tax Measure

AGENDA ITEM

Date: November 10, 2015

Item: Discussion and Direction to Trinidad's HCOAG representative regarding a \$30,000 polling study for a Humboldt County Transportation Sales Tax Measure

Summary: HCOAG is considering whether to spend ~\$30,000 on a polling study to inform a decision about pursuing a County wide sales tax measure for transportation infrastructure funding. The HCOAG TAC is supportive. The HCOAG Board decided that each member agency should consider the issue.

Background: On August 26, 2015, the Humboldt County Association of Governments (HCAOG) hosted a Local Transportation Revenue Option Workshop, which was attended by over 30 community leaders involved in transportation planning, including elected officials, staff from local jurisdictions and Caltrans, and interested community members. A survey performed at the workshop revealed that 79% of the attendees did not believe the state and federal governments would be likely to solve the funding shortfall for local transportation needs. Further, 83% of attendees supported some sort of county-wide tax measure to fund road maintenance and additional transportation/mobility options. An HCOAG summary of that meeting is attached.

The most recent assessment of transportation infrastructure for Humboldt County resulted in an overall poor grade, with costs needed to improve infrastructure well beyond currently available resources. State and federal funding for transportation infrastructure have been declining steadily.

This would be a special tax requiring a two thirds voter approval. The envisioned proposal for a .025% sales tax would generate roughly \$4.8 Million dollars annually. Recent changes in state transportation funding provide specific benefits to 'self-help' Counties and Regions. This funding would also help provide match to state grant proposals from our region, which increases our scoring in those grant efforts. The funds would be spent in our region, with benefits to local planning, design, and construction firms and employees as well as our transportation infrastructure.

Trinidad is in the unusual position of casting a decisive vote on the HCOAG Board, as the measure will not pass if Trinidad does not support it. Arcata, Eureka, Fortuna, and the County voted yes; Rio Dell, Ferndale, and Blue Lake voted no. HCOAG Director Marcella Clem will be attending our meeting to answer any additional questions.

Staff Recommendation:

- 1) Provide direction to Councilmember Jack West in his capacity as Trinidad's HCOAG representative regarding the proposal to spend \$30,000 on a polling study to inform a decision about pursuing a County wide sales tax measure for transportation infrastructure funding.

Attachments: Summary of August 2015 Local Transportation Revenue Option Workshop

Humboldt County Association of Governments Local Transportation Revenue Option Workshop Meeting Summary and Suggested Work Plan

Meeting Summary:

On Wednesday August 26th, 2015 the Humboldt County Association of Governments (HCAOG) held a Local Transportation Revenue Option Workshop from 3:30 p.m. to 6:00 p.m. at the Wharfinger Building in Eureka. The workshop was attended by over 30 community leaders, including local government staff, elected officials, and members of the public.

The agenda included a welcome from the HCAOG Chair Susan Ornelas and self introductions by the attendees. A transportation funding overview presentation was provided by Eileen Goodwin, President, Apex Strategies. The overview included an interactive voting session where attendees were asked at various times during the two hour and half session to weigh in on various topics ranging from the amount of the current gas tax to thoughts of current legislation to possible additional funding mechanisms. A copy of the PowerPoint and including a copy of the voting results can be found on line at <http://www.hcaog.net/calendar/date/local-transportation-revenue-options-workshop>.

The presentation specifically covered the context of transportation funding as it relates to historical sources for funds at both the state and federal level, the buying power and fuel economy impacts to the gas tax funding source, the impact of the state's "borrowing" of transportation funding and the payback mechanisms. There was a discussion about the SBX 1-1 funding proposal which would raise revenue and would support state highway and local streets and road maintenance projects as well as create a reward fund for new transportation sales tax counties.

The presentation also covered the current pilot project to use vehicle miles traveled (VMT) as a potential way to generate revenue. Eileen explained the various methodologies currently being studied and presented a timeline for the VMT Pilot Project.

Some of the key results from the polling include:

- 57% of the attendees feel the current state and federal gas tax is not enough to adequately fund transportation;
- 79% of the attendees feel that the state's budget 40% coverage of identified transportation priorities is not adequate;
- 79% of the attendees feel the state and federal governments are unlikely to solve the transportation funding problem;

- The two highest funding priorities from the group included maintenance (59%) and more transportation choices/mobility options (28%);
- The three most popular local control funding options ideas were ¼ cent countywide sales tax (36%), ½ cent countywide sales tax (29%), and local gas tax increase (18%); and
- When asked whether the group favored looking at a potential funding option for the ballot in 2016 70% were interested in continuing the exploration of the topic, 5% were ready to move to be on the ballot now and 25% felt that the community would not be ready for 2016.

HCAOG Technical Advisory Committee (TAC) members provided a panel to present and discuss challenges related to their specific role. The panel was moderated by Eileen and included Kevin Tucker, Chief of North Planning, Caltrans; Tom Mattson, Director of Public Works, Humboldt County; Marcella Clem, Executive Director of the Humboldt County Association of Governments; Praj White, City Engineer for the City of Ferndale; Doby Class, City Engineer-Public Works Director for the City of Arcata, and Charles Roecklin, City Engineer for the City of Eureka. Some of the themes from the speakers included: grants program no longer have a geographic equity component which makes it extra difficult for smaller rural counties to attract funds; it is difficult for local agencies to meet local match requirements because revenues are so limited; partnerships are very important between agencies especially between the cities; there are many more needs than there is money—maintenance of roads and bridges is very important because neglecting maintenance makes project costs go up; the performance based and data based grant process is here to stay yet a challenge because it is expensive to collect data and administer state and federal grants; and greenhouse gas emission reduction is a key element in what does get funded with rural areas not competing well for this type of funding. The panelists took questions from the audience.

For the last session, Eileen presented some typical next steps on moving forward with consideration of additional funding focusing in on the funding mechanisms that require public votes. The Suggested Work Plan follows below.

Chairperson Ornelas took the floor to thank Eileen, the TAC Panel, and HCAOG staff for the excellent workshop meeting.

The Workshop Adjourned at 6:00

Suggested Work Plan:

Since 75% of those attending indicated a desire to keep exploring this topic in anticipation of a potential ballot measure in 2016, the recommended next steps for HCAOG include:

- Continue to talk about the funding alternatives to narrow down the options;
- Conduct a poll of likely November 2016 voters in Fall/Winter 2015:
 - Assess funding options with likely voters (1/4 cent versus 1/2 cent etc. versus other potential options)
 - Assess project priorities with likely voters (maintenance versus capital versus investment in mobility options);
- Continue stakeholder outreach and input;
- Determine appropriate voter safeguards (i.e. limits on expenditures, oversight committee, annual audits etc.);
- After the polling results and stakeholder input is received, begin to develop a draft expenditure plan;
- Determine if additional environmental clearance is necessary;
- Coordinate with County Clerk on various ballot deadlines and costs;
- Expand community and stakeholder outreach and input once plan is developed—get input on the plan;
- Check in with voters through poll Spring 2016 to determine readiness for November 2016:
 - Include draft ballot question with word limit, project list, voter safeguards etc.; and
 - HCAOG to deliberate being on the ballot by August 2016 deadline.

Workshop summary and suggested work plan created by Eileen Goodwin, Apex Strategies



DISCUSSION AGENDA ITEM 3

SUPPORTING DOCUMENTATION FOLLOWS WITH: 3 PAGES

3. Discussion/Decision regarding Vacation Dwelling Unit Ordinance Implementation, and request for direction regarding Intent for "1-VDU per parcel" language.

AGENDA ITEM

Date: November 10, 2015

Item: Update on VDU Ordinance Implementation, and request for Direction on Ordinance Intent Regarding "1 VDU per Parcel" language.

Summary:

The City received 38 applications for VDU Licenses for the 2015-2016 Fiscal Year. Many of these applications also included OWTS license applications, as an approved OWTS permit is required for a VDU License.

Applications were received at the height of the vacation rental season, and staff decided to allow applicants to proceed in operating their VDUs while the City reviewed the applications.

Of the thirty-eight applications received, twenty eight VDU licenses have been granted at this time. City staff are working with the remaining ten applicants to resolve a variety of issues, some small and some major. Examples include disagreements about our indemnification language (our attorney is revising it), issues with parking, and septic system documentation and capacity. In some cases, the process revealed issues of unpermitted structures, or conditions of prior permits not being in place. One septic system has received significant upgrades as a result; another property may need to in order to receive their license.

Enforcement

The majority of staff effort to date has gone to processing the applications and working through the challenges therein. A number of the VDUs have not received licenses as a result of potential compliance problems, thus the licensing itself is a primary mechanism in achieving compliance. Staff's goal is to work cooperatively with applicants to implement the ordinance. We have recently issued letters to three applicants who have more significant issues to address requiring that they cease any VDU Operation until they can be issued a license.

Many VDUs are not in compliance with the sign requirements in the ordinance. Staff have provided initial notification with the licenses, and will be following up.

Staff's goal is to have the remaining ten applicants either fully licensed, or formally noticed to halt operations until they are fully licensed, by the next Council meeting of December 9th.

Council Intent Regarding the '1 VDU per Parcel' condition.

One enforcement issue of contention revolves around the Ordinance language that states "*There shall be no more than one VDU per parcel.*" While the sentence itself is clear, the Ordinance's definition of a VDU is less so:

"Vacation Dwelling Unit" (VDU) means any structure, accessory structure, or portion of such structures, which is contracted for transient use. As used in this Section, the definition of "Vacation Dwelling Unit" encompasses any structure or any portion of any structure which is occupied or intended or designed for occupancy by tourists for dwelling, lodging or sleeping

purposes, and includes any home or house, tourist home or house, mobile home or house trailer at a fixed location except when located within a mobile home park or RV park, or other similar structure or portion thereof. "Vacation Dwelling Unit" does not include home exchanges or a short-term rental one time in a calendar year."

The interpretation question arises where a single parcel has multiple legal dwelling units, like a duplex, or a main house and a detached 'mother in law' unit. VDU license applicants have proposed that their 'single VDU' encompass multiple legal dwelling units on the same parcel.

Staff believes the simplest reading of 'one VDU per parcel' is that for a parcel with multiple legal dwelling units, only one of them can be used as a VDU. So only one unit of a duplex could be a VDU, or for homes with detached MIL units, the operator would need to license either the main house or the smaller unit.

This interpretation is consistent with the discussions of the Council about impacts to neighbors, as this would reduce the number of VDU guests allowed on a parcel, with all that implies for parking, noise, and other impacts. This interpretation is also consistent with the concerns the Council have expressed about the loss of long term housing as a consequence of homes being converted to VDUs.

However, the City Manager and City Planner have not been confident that the definition of a VDU in the Ordinance prohibits a 'single VDU' from encompassing both the main house and a second (or third unit). Rights not expressly limited are retained by the property owner, and staff have been concerned about triggering a legal challenge if our interpretation, and subsequent enforcement, go beyond what is clearly stated in the Ordinance.

There are two issues – what to do in the short term under the existing language, and whether to amend the Ordinance to be more clear.

First - Staff need to know which of these outcomes the Council wants:

- A. Should the ordinance clearly limit a VDU to a single detached legal dwelling unit? In this case any other legal dwelling units on the parcel could not be part of, or operated together with, the VDU in any way. Nor could they be a separate VDU.

OR

- B. Should the ordinance allow multiple legal dwelling units on a lot to be operated as one VDU? So the 'one VDU' can consist of both sides of a duplex, or both the front house and back unit on a single parcel.

Whichever option Council indicates, staff believes the VDU definition in the Ordinance should be amended to provide a clear and defensible basis to accomplish the Council's intent. Your direction on this issue then goes to the Planning Commission as part of the ordinance amendment process they are engaged in.

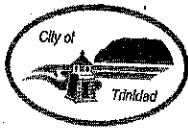
Until the ordinance is revised, staff are actively working with our City Attorney to ensure that our interpretation is soundly based in the existing ordinance language, and therefore minimizes legal risk to the City. The City Attorney has recently provided the following guidance to staff:

- A. The VDU definition is clearly about a single structure;
- B. Therefore the City should not allow a 'single VDU' to encompass two detached dwelling units,
- C. But a duplex (as a single structure) could have both units treated as a single VDU (if truly managed as such)

An update from the Attorney will be available at the meeting.

Staff Recommendation:

- 1) Receive Update
- 2) Provide direction to staff and the Planning Commission regarding the desired intent of the 'one VDU per parcel' language.



DISCUSSION AGENDA ITEM 4

SUPPORTING DOCUMENTATION FOLLOWS WITH: 8 PAGES

4. Annual Unmet Transit Needs Hearing.

DISCUSSION AGENDA ITEM

Tuesday, November 04, 2015

Item: **ANNUAL UNMET TRANSIT NEEDS HEARING**

Background: Each year HCAOG conducts citizen participation process to assess unmet transit needs within Humboldt County. The public is invited during this hearing to express their opinion, solutions, complaints, or suggestions regarding Humboldt County's public transportation systems and/or general unmet transit needs.

Recommended Action: Open the public hearing, receive comments, and forward to HCAOG.

Attachments:

- HCAOG summary letter.



HCAOG

*Regional Transportation
Planning Agency*

611 I Street, Suite B
Eureka, CA 95501
707.444.8208
Fax: 707.444.8319
www.hcaog.net

October 19, 2015

Dear City Managers, CAO, Transit Operators:

**RE: Citizens Participation Process for Unmet Transit Needs
FY 2016/17**

Each year, the Humboldt County Association of Governments (HCAOG), as the Regional Transportation Planning Agency (RTPA), conducts a citizen participation process to assess unmet transit needs within Humboldt County. This annual "unmet transit needs" process helps HCAOG properly apply funds provided through the Transportation Development Act (TDA). The HCAOG Board of Directors will hold a public hearing for community members to express any unmet needs they have for public transit and paratransit service. The HCAOG public hearing is scheduled for November 19, 2015.

HCAOG additionally encourages member entities to conduct separate hearings to receive constituent comments for their respective jurisdictions. We have attached an Unmet Transit Needs Public Hearing Flyer in English and Spanish containing the schedule for all public hearings. The schedule for hearing dates has been provided to HCAOG's Social Services Transportation Advisory Council (SSTAC), and has been printed in the local newspaper. SSTAC members may attend various meetings as part of their responsibility to identify transit needs and recommend action by the RTPA.

The SSTAC, pursuant to Section 99238 of the TDA, annually shall recommend to HCAOG one of the following: That within the Regional Transportation Planning Agency's jurisdiction,

- (A) there are no unmet transit needs; or
- (B) there are no unmet transit needs that are reasonable to meet; or
- (C) there are unmet transit needs, including needs that are reasonable to meet.

October 19, 2015

**Citizen Participation Process for
Unmet Transit Needs FY 2016/17**

Page 2

Entities are requested to receive constituent comments at respective public hearings without making individual findings. Per TDA law, the HCAOG Board as the regional transportation planning agency is the authority to determine Unmet Transit Need findings pursuant to Section 99401.5(d).


For your convenience, we have attached the adopted definitions (2011) and a synopsis of the citizen participation process for unmet transit needs.

When your entity has concluded its public hearing on unmet transit needs, please send HCAOG a record of generated comments or a meeting transcript. We request that all public hearing comments be received no later than December 11, 2015. We will include all entities' hearing records in the "Unmet Needs Report of Findings" for 2016-17.

Timely conduct of the hearing process, and submittal of the requested documentation, will allow for a March 2016 adoption of the Report, and avoid delays in the processing of TDA claims for FY 2016-17.

If we can assist you in this regard, or if you would like HCAOG staff to attend your hearing, please contact our office at 444-8208.

Sincerely,


Debra Dees

Associate Planner

Attachments: A – Unmet Transit Needs Public Hearing Flyer
B – Synopsis: Citizen Participation Process for Unmet Transit Needs
C – Unmet Transit Needs Timeline

cc: SSTAC
Public Transit Operators

Unmet Transit Needs Public Hearings

Does local public transit meet your needs?

Whether you ride daily, occasionally, or haven't tried transit yet, the Humboldt County Association of Governments (HCAOG) invites your comments about taking the bus or dial-a-ride and unmet transit needs that may exist in Humboldt County.

Please give us your thoughts by attending an Unmet Transit Needs Public Hearing or by providing your comments to HCAOG by
December 15, 2015.

City of Arcata

Wed, Nov 18, 2015 at 6:00 PM
Arcata Council Chambers
736 F Street, Arcata

City of Eureka

Tues, Nov 3, 2015 at 6:00 PM
Eureka Council Chambers
531 K Street, Eureka

City of Fortuna

Mon, Nov 16, 2015 at 6:00 PM
Fortuna Council Chambers
621 11th Street, Fortuna

City of Trinidad

Tue, Nov 10, 2015 at 6:00 PM
Trinidad Council Chambers
409 Trinity Street, Trinidad

City of Blue Lake

Tues, Nov 10, 2015 at 7:00 PM
Skinner Store Bldg Behind City Hall
111 Greenwood Avenue, Blue Lake

City of Ferndale

Thurs, Nov 19, 2015 at 7:00 PM
Ferndale Council Chambers
834 Main Street, Ferndale

City of Rio Dell

Tues, Nov 3, 2015 at 6:30 PM
Rio Dell Council Chambers
675 Wildwood Avenue, Rio Dell

Humboldt County Board of Supervisors

Tues, Nov 10, 2015 at 1:30 PM
Board of Supervisors Chambers
825 Fifth Street, Eureka

McKinleyville Advisory Committee

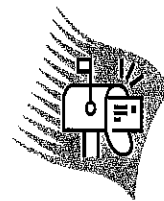
Wed, Oct 28, 2015 at 6:00 PM
Azalea Conference Center
1620 Pickett Road, McKinleyville

Humboldt County Association of Governments (HCAOG)

Thurs, November 19, 2015 at 4:00 PM

Held at: Eureka Council Chambers
531 K Street, Eureka

*HCAOG Public Hearing – Persons who require special accommodations or translation services should contact HCAOG at least two days prior to the meeting.



Mail Comments: HCAOG

611 I Street, Suite B
Eureka, CA 95501



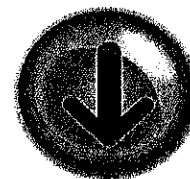
Email Comments:
debra.dees@hcaog.net



Phone Comments:
(707) 444-8208



Fax Comments:
(707) 444-8319



Online Comments:
www.hcaog.net



Audiencias Públicas sobre Necesidades Insatisfechas en el Transporte

¿Cumple con sus necesidades el transporte público local?

Si Ud. lo toma diario, ocasionalmente o todavía no ha probado el transporte, la Asociación de Gobiernos del Condado de Humboldt (HCAOG) invita su comentario sobre tomar el autobús o marcar para paseo y necesidades insatisfechas en el transporte que puedan existir en el Condado de Humboldt.

Favor de darnos sus opiniones al asistir a una Audiencia Pública sobre Necesidades Insatisfechas en el Transporte o al proveer su comentario a la HCAOG para **el 15 de diciembre de 2015**.

Ciudad de Arcata

Miér, 18 Nov, 2015 a las 6:00 PM

Sala de Concilio de Arcata
736 F Street, Arcata

Ciudad de Eureka

Mar, 3 Nov, 2015 a las 6:00 PM

Sala de Concilio de Eureka
531 K Street, Eureka

Ciudad de Fortuna

Lun, 16 Nov, 2015 a las 6:00 PM

Sala de Concilio de Fortuna
621 11th Street, Fortuna

Ciudad de Trinidad

Mar, 10 Nov, 2015 a las 6:00 PM

Sala de Concilio de Trinidad
409 Trinity Street, Trinidad

Ciudad de Blue Lake

Mar, 10 Nov, 2015 a las 7:00 PM

Edificio de Tienda de Skinner
Detrás del Cabildo
111 Greenwood Avenue, Blue Lake

Ciudad de Ferndale

Juev, 19 Nov, 2015 a las 7:00 PM

Sala de Concilio de Ferndale
834 Main Street, Ferndale

Ciudad de Rio Dell

Mar, 3 Nov, 2015 a las 6:30 PM

Sala de Concilio de Rio Dell
675 Wildwood Avenue, Rio Dell

Junta de Supervisores del Condado de Humboldt

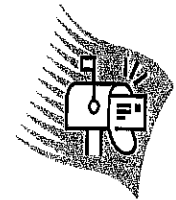
Mar, 10 Nov, 2015 a las 1:30 PM

Sala de la Junta de Supervisores
825 Fifth Street, Eureka

Comité Asesor de McKinleyville

Miér, Oct 28, 2015 a las 6:00 PM

Azalea Hall, Pierson Park
1620 Pickett Road, McKinleyville



Por Correo:

HCAOG
611 I Street, Suite B
Eureka, CA 95501



**Por Correo
Electrónico:**

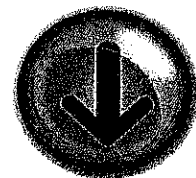
debra.dees@hcaog.net



Por Teléfono:
(707) 444-8208



Por Fax:
(707) 444-8319



En Línea:
www.hcaog.net

Asociación de Gobiernos del Condado de Humboldt (HCAOG)

Juev, 19 Nov, 2015 a las 4:00 PM

Tendrá lugar en: Sala de Concilio de Eureka
531 K Street, Eureka

*Audiencia Pública de la HCAOG – Personas que necesitan acomodaciones especiales o servicios de traducción deben contactar a la HCAOG por lo menos dos días previo a la reunión.



SYNOPSIS:

Citizen Participation Process for Assessing Unmet Transit Needs

Transportation Development Act

California's Transportation Development Act (TDA) legislates funding for transit purposes primarily, and for non-transit purposes under certain conditions. TDA funds are distributed through the Regional Transportation Planning Agencies (RTPA) throughout the state. An RTPA must assess its jurisdiction's "unmet transit needs" prior to allocating any TDA funds for purposes *not* directly related to public transit or facilities used exclusively by pedestrian and bicyclists.

Public Process to Make a Finding

Each year, HCAOG conducts a citizen participation process to receive public comment concerning transit needs within the RTPA jurisdiction. The HCAOG Social Services Transportation Advisory Council (SSTAC) leads the process to solicit broad input from transportation-dependent and transportation-disadvantaged persons. With recommendations from the SSTAC, at the end of the process the Board shall find that:

- (a) there are no unmet transit needs; or
- (b) there are no unmet transit needs which are reasonable to meet; or
- (c) there are unmet transit needs, including those that are reasonable to meet. (Section 99401.5)

The Board shall make this finding as a result of testimony received, and based on HCAOG's adopted definitions (see box).

If the HCAOG Board finds that there are no unmet transit needs, or that there are no unmet transit needs which are reasonable to meet, entities may expend excess (unexpended) TDA funds for non-transit purposes. A finding that there are unmet transit needs, including those that are reasonable to meet, delivers a mandate to the respective entity to set aside funds, given that they are available, to implement a program to meet those needs deemed "reasonable to meet."

(over)

DEFINITIONS

"Unmet transit needs" are, at a minimum:

- (1) Trips requested from residents who do not have access to public transportation, specialized transportation, or private transport services or resources for the purpose of traveling to medical care, shopping, social/recreational activities, education/training, and employment; or
- (2) Proposed public transportation, specialized transportation, or private transport services that are identified in the following (but is not limited to): a Transportation Development Plan, Regional Transportation Plan, Coordinated Public Transit-Human Services Transportation Plan.

"Reasonable to meet" criteria:

- (1) Whether a need is "reasonable to meet" shall **not** be determined by comparing unmet transit needs with the need for streets and roads, or for the sole reason that there is a lack of available resources to fully meet the identified need.
- (2) New, expanded, or revised transit service that has not met performance standards in the first two full years of operation can be subject to termination as being unreasonable to meet.
- (3) The transit operator (TDA claimant) that is expected to provide a new, expanded, or revised transit service indicates that it is operationally feasible.
- (4) One and one time only, an unmet transit need may be found to be unreasonable to meet if time constraints make it infeasible to begin service within the coming fiscal year, or if more information is needed to determine whether or not the unmet transit need is reasonable to meet.

HCAOG

Humboldt County Association of Governments

The TDA directs HCAOG, as the RTPA, to make the finding that there are no unmet transit needs which are reasonable to meet prior to approving fund claims for street and road purposes.

Public Hearings on "Unmet Transit Needs"

HCAOG holds the single statutorily-required public hearing. In addition, HCAOG encourages all member entities to conduct hearings to receive constituent comments. HCAOG encourage entities to notify stakeholders of the public hearings with as much advance notice as is possible. We also encourage entities, to the fullest extent possible, to hold meetings during times that available transit is in service.

After conducting an "Unmet Transit Needs" hearing, the member entity forwards to HCAOG the public hearing's record of comments or transcript.

Additional Opportunities for Public Comment on "Unmet Transit Needs"

Comments may also be submitted to HCAOG anytime during the year via email, facebook, in person, or telephone at the addresses below. All comments receive the same consideration as those received at the public hearings.

Email:	debra.dees@hcaog.net
Facebook:	www.facebook.com/hcaog
Mail or in person:	HCAOG Office 611 I Street, Suite B Eureka, CA 95501
Telephone:	(707) 444-8208

Report of Findings

HCAOG compiles public testimony and other comments from all entities, and includes it in the *Unmet Transit Needs Report of Findings* for the upcoming fiscal year. The report also covers demographic information of the transportation-dependent public, existing programs, and includes recommendations for meeting transit demands.

Timely conduct of the hearing process and submittal of the requested documentation allows HCAOG staff to prepare the *Report of Findings* for the Board to consider and adopt by March 2016, and thereby avoid delays in processing TDA claims for the upcoming fiscal year.

For questions or assistance regarding this Public Participation Process, contact HCAOG at (707) 444-8208 or debra.dees@hcaog.net.

FY 2016-17

Unmet Transit Needs (UTN) Timeline

Action	Benchmark
Consultation with SSTAC on data needs for last year's potential service and public outreach for this year's process	
Depending on BLRTS grant award, either assist the BLRTS with their survey or conduct the focus survey for the outer Blue Lake area.	October 30, 2015
Request to cities, County and McKinleyville to schedule UTN public hearings through November.	September 28, 2015
Public Service Announcement, 30-day Notice of Public Hearings and distribution of schedule in the region. Newspaper publication, Sunday, October 18, 2015.	October 18, 2015
HCAOG (statutorily required) UTN Public Hearing.	November 19, 2015
Comment period for UTN comments to be considered in this year's Report of Findings.	Through December 15, 2015
Draft UTN Report of Findings to SSTAC.	January 6, 2016
Draft UTN Report to SCC and TAC.	February 15, 2016 (SCC) March 3, 2016 (TAC)
Approval of UTN Report of Findings by the HCAOG Board.	March 17, 2016



DISCUSSION AGENDA ITEM 5

SUPPORTING DOCUMENTATION FOLLOWS WITH: 32 PAGES

5. Discussion/Decision regarding Amendments to the Redwood Coast Energy Authority JPA to Facilitate the Development of a Community Choice Aggregation Program.

AGENDA ITEM

Date: November 10, 2015

Item: CONSIDER AMENDMENTS TO THE REDWOOD COAST ENERGY AUTHORITY JOINT POWERS AGREEMENT TO FACILITATE THE DEVELOPMENT OF A COMMUNITY CHOICE AGGREGATION PROGRAM.

Summary:

RCEA, a Joint Powers Authority of local Cities and the County, is interested in creating a Community Choice Aggregation (CCA) Program. The Council received a presentation from RCEA staff at our September meeting on this concept. A CCA Program would have RCEA take on the role of buying electricity wholesale, and selling to local customers. It would provide a voluntary option for local electricity users, who could choose to buy from the CCA or from PGE. CCA rates are modestly lower, and the CCA would reinvest funds in energy supply and conservation projects locally. The CCA would also be able to choose to purchase cleaner sources of electricity, and to invest in (for instance) local sources like biomass from the forestry industry. This approach is working successfully in other California communities, and has a long history in other states. PGE would still handle the delivery of power, and the infrastructure associated with delivery.

Much more detail is included in the attached materials from RCEA.

In order to move forward with developing a local CCA, the Joint Powers Authority agreement that creates RCEA needs to be amended. The action before you is to consider approval of the amended JPA agreement. Key highlights of the proposed agreement include:

- 1) The structure is set up to separate CCA business from current/continuing RCEA program-related business. This allows for continued participation in other RCEA activities from the HBM Water District (or any future non-county/city entities), since only Cities and Counties have CCA-creating authority for their constituents. It also creates a framework for RCEA to move forward with CCA but allowing for any given City to choose not to participate while still staying a part of RCEA for other purposes.
- 2) For CCA matters, it establishes a separate voting process with partially-weighted voting based on each participating jurisdiction's share of total electricity customers. The last page show what the vote weighting looks like assuming all jurisdictions participate in the CCA.

Staff Recommendation:

- 1) Approve the proposed changes to the RCEA JPA.

Attachments:

1. RCEA-CCA Roadmap
2. Memo to RCEA Board re: Amended JPA
3. Proposed Amended JPA

AMENDED AND RESTATED JOINT POWERS AGREEMENT OF THE REDWOOD COAST ENERGY AUTHORITY

This Amended and Restated Joint Powers Agreement of the Redwood Coast Energy Authority is made and entered into pursuant to the provisions of California Government Code Section 6500 et seq., and supersedes the original Joint Powers Agreement effective April 22, 2003. This Amended and Restated Joint Powers Agreement ("Agreement") is effective as of _____, 20__.

RECITALS

A. The Redwood Coast Energy Authority ("RCEA" or "Authority") was formed in 2003 by the County of Humboldt and the Cities of Arcata, Blue Lake, Eureka, Ferndale, Fortuna, Rio Dell, and Trinidad, and the special district of the Humboldt Bay Municipal Water District (each a "Member," collectively, the "Members") to undertake a pilot project created and funded by the California Public Utilities Commission ("CPUC") and the Local Government Commission ("LGC"), a California nonprofit membership organization, designed to encourage the formation of regional organizations to promote energy efficiency, conservation and increased local self-reliance.

B. Through its activities since formation, the RCEA has established Humboldt County and its communities as leaders in reducing energy demand, increasing energy efficiency, and advancing the use of clean, efficient and renewable local resources to increase regional self-reliance.

C. The RCEA Members desire to further the RCEA goals by implementing and administering a common Community Choice Aggregation program pursuant to California Public Utilities Code Sections 331.1 and 366.2 an electric service enterprise which shall be available to those Member cities and the Counties that elect to become program participants.

NOW THEREFORE, based on the mutual covenants, conditions and terms recited herein, which are made a material part of this agreement, the undersigned public agencies, collectively referred to herein as the "Members," enter into this Amended and Restated Joint Powers Agreement and agree as follows:

AGREEMENT

ARTICLE 1 – AUTHORITY FORMATION

1.1 Formation of Humboldt County Regional Energy Alliance. Pursuant to the Act, the Members hereby create a joint powers agency to be known as the Redwood Coast Energy Authority ("RCEA").

1.2 Separate Public Entity. The RCEA is a public entity separate from the Members within the meaning of Government Code Section 6507.

1.3 Parties to this Agreement. For purposes of this Agreement, each Member intends to, and does, contract with every other Member which is a signatory to this Agreement and, in addition, with every public agency that becomes a Member under Section 4.1. The withdrawal of any Member from this Agreement does not affect its validity or enforceability as to the remaining Members, nor any remaining Member's intent to contract with any of the others.

1.4 Membership. In addition to the original forming Members, any public agency as defined in Government Code Section 6500 which is located wholly or partly within the boundaries of Humboldt County or any adjacent county is eligible for membership in the RCEA. Upon approval by a simple majority vote of the full Board, any such public agency may become a Member if:

- (a) its governing body duly approves membership and agrees to all of the terms of this Joint Powers Agreement, and
- (b) an authorized officer of such agency executes this Agreement on its behalf.

ARTICLE 2 – PURPOSES AND POWERS

2.1 Purpose. The purpose of the RCEA is to develop and implement sustainable energy initiatives that reduce energy demand, increase energy efficiency, and advance the use of clean, efficient and renewable resources available in the region for the benefit of the Member agencies and their constituents. To further that purpose, the RCEA will work toward the following goals:

- a. To lead, coordinate and integrate regional efforts that advance secure, sustainable, clean and affordable energy resources.
- b. To develop a long-term sustainable energy strategy and implementation plan.
- c. To increase awareness of, and enhance access to, energy conservation, energy efficiency, and renewable energy opportunities available to the region.
- d. To add value to, but not duplicate, energy services offered by utilities and others serving the region in a manner that does not conflict with acting as a community choice aggregator.
- e. To keep key decision makers and stakeholders informed of policy, regulatory, and market changes that are likely to impact the region.
- f. To support research, development, demonstration, innovation, and commercialization of sustainable energy technologies by public and private entities operating in Humboldt County.
- g. To develop regional capabilities to respond to energy emergencies and short-term disruptions in energy supply, infrastructure, or markets that could adversely affect Humboldt residents and businesses.

2.2 Powers. The RCEA is authorized, in its own name, to do all acts necessary to fulfill the purposes of this Agreement including, without limitation, each of the following:

- a. receive grants, contributions and donations of property, funds, services and other forms of assistance from any public or private source;
- b. make and enter into contracts;
- c. incur debts, liabilities and obligations; provided, that no debt, liability or obligation of the RCEA is a debt, liability or obligation of any Member except as separately agreed to by such Member;
- d. acquire, hold, construct, manage, maintain, sell or otherwise dispose of real and personal property by appropriate means, excepting therefrom the acquisition of real property through the exercise of eminent domain;
- e. sue and be sued in its own name;
- f. employ agents and employees;
- g. lease real or personal property as lessee and as lessor;

- h. receive, collect, invest and disburse moneys;
- i. issue revenue bonds or other forms of indebtedness, as provided by law;
- j. adopt ordinances;
- k. adopt, implement, manage and terminate a Community Choice Aggregation program in accordance with Public Utilities Code Section 366.2, et seq ("CCA Program"); services
- l. assign, delegate or contract with a Member or third party to administer or execute this Agreement or to perform any of the functions of the Board, as permitted by law; and
- m. exercise all other powers necessary and proper to carry out the provisions of this Agreement.

These powers shall be exercised subject only to the limitations set forth in this Agreement, any bylaws, applicable law (including local zoning, building, or other ordinances or regulations arising from the jurisdiction in which the RCEA is engaged in any specific activity), and any restrictions upon the manner of exercising such powers imposed by law upon the County of Humboldt in the exercise of similar powers.

ARTICLE 3 – INTERNAL GOVERNANCE

3.1 Board of Directors. There is hereby created a Board of Directors ("Board"), which shall serve as the governing body of the RCEA, and shall exercise or oversee the exercise of all powers and authority on behalf of the RCEA as set forth herein. Each Member shall designate one person as a member of the Board ("Director") and one person as an alternate member of the Board ("Alternate Director"). The Alternate Director may serve and vote in place of the appointing Member's Director who is absent or who disqualifies him/herself from participating in a meeting of the Board. Directors and Alternates shall serve at the pleasure of the appointing Member and may be removed at any time, without cause, at the sole discretion of that Member. They shall not be compensated for their service, but may be reimbursed for expenses reasonably incurred in the performance of their Board functions, and appropriately documented. Each Director and Alternate Director may be an elected official of the governing body of the Member that he or she represents or a non-elected representative. Each Director and Alternate Director shall serve on the Board from the first meeting of the Board after appointment by the Member, until his or her successor is selected by that Member.

3.2 Procedural and Operational Rules. The Board may adopt bylaws or resolutions to govern its meetings and operations, or may separately adopt a statement of operating policies, provided that such bylaws, resolutions or statements are consistent with this Agreement.

3.3 Principal Office. The principal office of the RCEA shall be established by the Board. The Board may change the location of the principal office upon giving at least 15 days written notice to each Member.

3.4 Quorum and Voting. A majority of the Board shall constitute a quorum for the transaction of business. The Board shall act by motion, resolution or ordinance. Except as otherwise expressly provided by this Agreement or applicable law, all motions, resolutions and ordinances of the Board, and all actions required or permitted to be taken by the Members acting through the Board, shall be by a majority vote of the quorum.

3.5 Board Chair and Vice Chair.

- a. The Board shall appoint a Chair and a Vice-Chair.

- (1) The Chair shall be the chairperson of the Board and shall conduct all Board meetings and perform such other duties and functions required of such person by this Agreement or the Board.
 - (2) The Vice-Chair shall serve in the Chair's absence and perform such duties as required by this Agreement, the Board, or the Chair.
 - (3) Only Members of the Board are eligible to hold the positions of Chair and Vice-Chair.
 - (4) The term of office for the Chair and Vice-Chair shall be one year, commencing on January 1 of each year (excepting the initial year). The initial Chair and Vice-Chair shall be entitled to serve one full term of office in addition to any partial initial term.
- b. If a vacancy occurs in the position of Chair or Vice-Chair, the Board shall forthwith fill the vacancy for the duration of the unexpired term.

3.6 Treasurer and Auditor. The Board shall designate qualified persons (as described in Government Code §6505.5 and §6505.6) to serve as Treasurer and as Auditor of the RCEA who need not be Members, and may designate a single qualified person to hold both offices. The Treasurer shall have charge of depositing and maintaining custody of all funds held by the RCEA, and shall maintain strict accountability for all funds and reports of all receipts and disbursements. In addition, the Treasurer and the Auditor shall perform all other duties that may be imposed by applicable law (including Government Code Sections 6505 and 6505.5), this Agreement, or any rules of the Board. The compensation, if any, of the person or persons holding these offices shall be set by the Board. Alternatively, upon consent as needed of the governing body of any Member entity, the Board may designate the Treasurer of such Member as the depository of RCEA funds, and responsible for the discharge of all the duties set forth in Government Code section 6505.5, including the function of auditor, and the maintenance of strict accountability of RCEA funds.

3.7 Other Officers and Employees. The Board may designate such other officers, and may hire employees or independent contractors as appropriate and necessary to conduct the RCEA's affairs.

3.8 Meetings of the Board. The Board shall establish in the bylaws or by resolution the dates, times and places of its regular meetings, which shall be held not less than four times during each calendar year during the term of this Agreement. The Board's meetings shall be conducted in accordance with the Ralph M. Brown Act (Government Code Sections 54950 *et seq.*).

3.9 Committees. The Board may create an advisory committee composed of public and private stakeholders such as but not limited to residential and non-residential energy users, local governments, educational institutions, environmental organizations, and the private sector. The Board may also create an executive committee consisting of the managers of the Member entities, and may create any such other committee as it deems appropriate.

3.10 Appointment of Administering Entity. Pursuant to Government Code Section 6506, the Board may appoint an agency or entity, including one or more Members upon consent of the governing body of such Member, a commission or board constituted pursuant to this Agreement, or a person, firm or corporation, including a nonprofit corporation, which it may designate, to administer or execute this Agreement, or any portions of this Agreement.

3.11 Budget. The RCEA shall operate on a fiscal year commencing July 1 of each year. The Board shall adopt by majority vote of the full Board an annual budget for each fiscal year at or before its last regular meeting before June 30 of each year. All costs incurred by the RCEA that are directly or indirectly attributable to the provision of electric, conservation, efficiency, incentives, financing, or other services

provided under the CCA Program, including but not limited to the establishment and maintenance of various reserves and performance funds and administrative, accounting, legal, consulting, and other similar costs, shall be recovered through charges to CCA customers receiving such electric services, or from revenues from grants or other third-party sources.

ARTICLE 4 – COMMUNITY CHOICE AGGREGATION

4.1 Enabling Ordinances.

- (a) RCEA. The RCEA is hereby authorized to adopt an ordinance to implement the CCA Program in accordance with Public Utilities Code Section 366.2(c)(12), or successor provision.
- (b) Member Participants. Each Member choosing to participate in the CCA Program shall adopt an ordinance in accordance with Public Utilities Code Section 366.2(c)(12)(B), or successor provision, for the purpose of specifying that the Member intends to implement a CCA Program by and through its participation in the RCEA. Each Member having duly adopted a CCA participation ordinance shall herein be referred to as a "CCA Participant".
- (c) Effect. The CCA Participants intend for this Agreement to be used as a contractual mechanism by which the CCA Participants are authorized to participate in the CCA Program. The CCA Participants intend that other agreements shall define the terms and conditions associated with the implementation of the CCA Program.

4.2 Implementation Plan. The Authority shall cause to be prepared an Implementation Plan meeting the requirements of Public Utilities Code Section 366.2 and any applicable Public Utilities Commission regulations as soon as reasonably practicable. The Implementation Plan shall not be filed with the Public Utilities Commission until it is approved by the Board in the manner provided by Section 4.4.

4.3 Termination of CCA Program. Nothing contained in this Article or this Agreement shall be construed to limit the discretion of the RCEA to terminate the implementation or operation of the CCA Program at any time in accordance with any applicable requirements of state law

4.4 Board Voting Related to the CCA Program.

- (a) Eligibility to Vote. Only Directors from Participating Members shall be eligible to vote on matters specifically related to the CCA Program.
- (b) Participating Member Vote. For purposes of the CCA Program, each Participating Member shall have a total vote comprised one third of a fixed Pro Rata Voting Share based on the total number of Participating Members, and two thirds of the proportional share of Electric Customers in the Participating Member's jurisdiction.
- (c) Computation. The Participating Member Vote shall be computed based on the following formulas:
 - i. *Pro Rata Voting Share*. Each Director shall have an equal voting share determined by the following formula: $[(1/\text{total number of Directors}) \text{ multiplied by } 1/3]$; and

- ii. *Customer Base Voting Share.* Each Director shall have an additional voting share determined by the following formula: $([\text{Number of Electric Customers in Director's jurisdiction} / \text{Total Number of Electric Customers in CCA}] \text{ multiplied by } 2/3)$, where "Electric Customers" means the total number of electricity customer accounts for all rate schedules as of December 31.
- iii. *Total Vote.* The total vote for each Participating Member shall be the sum of its Pro Rata Voting Share plus its Customer Base Voting Share rounded to the nearest whole number, excepting that any sum greater than zero and less than 1.0 shall be rounded to 1.0. The initial Pro Rata Voting Shares, Customer Base Voting Shares, and total votes are set forth in Exhibit A, attached hereto and incorporated herein. Beginning in 2017, the Board's Executive Director shall update Exhibit A at least every two years no later than March 1 to reflect changes in the number of Electric Customers and Participating Members, and such update shall not constitute an amendment to this Agreement. Any updated Exhibit A shall be provided to the Board at the regular meeting immediately following the update, and to the executive officers of the Participating Members within 30 days after the update.

4.5 Quorum, Approval Requirements Related to CCA Program. A majority of the Participating Members must be present and a majority of the CCA total vote must be represented by the present Participating Members to establish a quorum for the transaction of business on any matter specifically related to the CCA Program. Except as otherwise provided in this Agreement, the action of the Board for any matter specifically related to the CCA Program shall require the affirmative vote of a majority of the Participating Members present at the meeting where such vote is taken. The affirmative vote shall be established by adding the total votes of the present Participating Members as set out in Section 4.4, above.

ARTICLE 5 – MISCELLANEOUS PROVISIONS

5.1 Audit. The accounts and records of the RCEA shall be audited as provided in Government Code Sections 6505 and 6505.5.

5.2 Limitation on Liability of Members for Debts and Obligations of RCEA. As provided for by Government Code section 6508.1, the debts, liabilities, and obligations of the RCEA do not constitute debts, liabilities, or obligations of any party to this Agreement. A Member may separately contract for, or assume responsibility for, specific debts, liabilities, or obligations of the RCEA.

5.3 Indemnity. The RCEA shall indemnify, defend and hold harmless the Members, their officers and employees, from and against all liability, loss, damage, expense, and costs (including without limitation costs and fees of litigation), collectively referred to as 'injury', of every nature arising out of the RCEA activities described herein, or its failure to comply with any of its obligations contained herein, except where such injury is caused by the sole negligence or willful misconduct of a Member. Any defense of claims, as well as the cost of any judgments imposed for claims resulting from actions by the RCEA or any of the officers, agents, employees, or contractors of the RCEA in relation to this Agreement shall be the sole responsibility of the RCEA. To the extent that Members are also held jointly and severally liable for such amounts by Government Code section 895.2, if a Member provides for such defense of itself or the RCEA, or pays all or a part of such judgment, the member shall be entitled to reimbursement in full from the RCEA, provided the Member obtains prior approval from the RCEA.

5.4 Insurance. The RCEA will obtain at its expense, and maintain during the term of this Agreement, insurance against claims for injury to persons or damage to property or the environment which may arise from RCEA operations, with the scopes, coverages, deductibles and other provisions described below.

a. Minimum Scope

- (1) Insurance Services Office Commercial General Liability coverage ("occurrence" form CG 0001).
- (2) Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance.
- (3) Property insurance against all risks of loss to RCEA property, as determined by law or by the RCEA.

b. Minimum Coverage

- (1) General Liability: \$ 5,000,000 per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or another form with a general aggregate limit is used, the general aggregate limit shall be twice the required occurrence limit.
- (2) Employer's Liability: \$ 1,000,000 per accident for bodily injury or disease.
- (3) Property Insurance: Full replacement cost with no coinsurance penalty provision.
- (4) Workers' Compensation: Workers' Compensation to statutory limits covering all employees, paid or unpaid.
- (5) Errors and omissions insurance to cover any and all instances of misfeasance and/or nonfeasance in the scope of duties.

c. Deductibles and Self-Insured Retentions.

Any deductibles or self-insured retentions must be declared to and approved by the Members.

d. Other Insurance Provisions.

The general liability policy is to contain, or be endorsed to contain, the following provisions:

- (1) The Members, their officers, officials, employees, and volunteers, are to be covered as insured with respect to liability arising out of RCEA operations.
- (2) The RCEA's insurance coverage shall be primary insurance as respects the Members, their officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the Members, their officers, officials, employees or volunteers shall be excess of the RCEA's insurance and shall not contribute with it.
- (3) Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the Members.

Workers' Compensation Insurance Endorsement:

The workers' compensation policy shall be endorsed to contain a waiver of subrogation clause which states the following: "This insurance company agrees to waive all rights of subrogation against the Members, their officers, officials, employees and volunteers for losses paid under the terms of this policy, which arise from RCEA operation by the named insured for the Members."

Acceptability of Insurers:

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII.

5.5 Amendments. This Agreement may be amended only by a written instrument, approved by an affirmative vote of the governing bodies of two thirds (2/3) of the Members, and meeting any requirements imposed by the terms or conditions of any revenue bonds issued by the RCEA and related documentation including, without limitation, indentures, trust agreements, resolutions and letter of credit agreements. Notwithstanding the foregoing, no amendment shall require any Member to contribute any funds to, or become directly or contingently liable for any debts, liabilities or obligations of, the RCEA, without that Member's written consent, signed by its duly authorized representative.

5.6 Withdrawal. Members may withdraw at any time by providing written notice from the governing body of such Member to the Board; provided, that no Member may withdraw if withdrawal would adversely affect a bond or other indebtedness issued by the RCEA, except upon a two-thirds (2/3) vote of the full Board. Withdrawal shall be effective upon receipt by the Board of said notice or upon said vote of the Board if required. The withdrawing Member shall continue to be financially responsible for its share of financial obligations and liabilities incurred prior to the effective date of withdrawal. Upon such withdrawal, no withdrawing Member shall be entitled to any distribution or withdrawal of property or funds except as may be agreed to by the Board; however such Member may be entitled to participate in a pro-rated return of surplus money and other surplus personal property upon the dissolution of the RCEA based on factors as determined by the Board such as but not limited to the Member's length of time of participation with and contribution to the RCEA.

5.7 Termination and Distribution.

- a. This Agreement continues until terminated by the written consent of a simple majority of the full Board; provided that:
 - (1) this Agreement cannot be terminated until such time as all principal of and interest on any bonds and other forms of indebtedness that the RCEA may issue are paid in full; and
 - (2) this Agreement and the RCEA continue to exist following termination for the purpose of disposing of all claims, distributing assets, and all other functions necessary to conclude the obligations and affairs of the RCEA.
- b. After completion of the RCEA's purposes, any surplus money on deposit in any fund or account of the RCEA will be disposed of as required by law. The Board is vested with all powers of the RCEA for the purpose of concluding and dissolving its business affairs.

5.8 Nuclear Free Certification. The RCEA and its Members certify by the authorized signatures below that the RCEA is not a nuclear weapons contractor, and not knowingly or intentionally engaged in the research, development, production or testing of nuclear warheads, nuclear weapons systems or nuclear weapons components as defined by the Nuclear Free Humboldt County Ordinance. The RCEA shall notify Humboldt County immediately if it becomes a nuclear weapons contractor, or engages in any of the activities listed above. In such event, or if it determines that the foregoing certification is false, and notwithstanding any other provision of this Agreement, the County may immediately terminate its participation and withdraw from this Agreement.

5.9 Notices. All notices which any Member or the RCEA may wish to give in connection with this Agreement shall be in writing and shall be served by personal delivery during usual business hours at the principal office of the Member or the RCEA, to an officer or person apparently in charge of that office, or

by depositing the same in the United States mail, postage prepaid, and addressed to the Member or the RCEA at its principal office, or to such other address as the RCEA or Member may designate from time to time by written notice given to the other Members in the manner specified in this section. Service of notice shall be deemed complete on the day of service by personal delivery (but 24 hours after such delivery in the case of notices of special meetings of the Board) or three (3) days after mailing if deposited in the United States mail. Until changed by written notice to the RCEA and the Members, notice shall be delivered as follows:

COUNTY OF HUMBOLDT:

County Administrative Officer
825 Fifth Street
Eureka, CA 95501

CITY OF ARCATA:

Arcata City Manager
736 F Street
Arcata, CA 95521

CITY OF BLUE LAKE:

Blue Lake City Manager
111 Greenwood
Blue Lake, CA 95521

CITY OF EUREKA:

Eureka City Manager
531 K Street
Eureka, CA 95501

CITY OF FERNDALE:

Ferndale City Manager
P.O. Box 1095
Ferndale, CA 95536

CITY OF FORTUNA:

Fortuna City Manager
621 11th Street
Fortuna, CA 95540

CITY OF RIO DELL:

Rio Dell City Manager
675 Wildwood Avenue
Rio Dell, CA 95562

CITY OF TRINIDAD:

Trinidad City Manager
P.O. Box 390
Trinidad, CA 95570

HUMBOLDT BAY MUNICIPAL WATER DISTRICT:

General Manager
828 7th Street
Post Office Box 95
Eureka, CA 95502

5.10 Prohibition Against Assignment. No Member may assign any right, claim, or interest it may have under this Agreement. No creditor, assignee or third party beneficiary of a Member has a right, claim or title to any part, share, interest, fund or asset of the RCEA. However, nothing in this Agreement prevents the RCEA from assigning any interest or right it may have under the Agreement to a third party.

5.11 Severability. If a portion, term, condition or provision of this Agreement is determined by a court to be illegal or in conflict with any law of the State of California, or is otherwise rendered unenforceable or ineffectual, the validity of the remaining portions, terms, conditions and provisions is not affected.

5.12 Liability of RCEA. Subject to limitations contained in any trust agreement or other documents pursuant to which financing of the RCEA is implemented, RCEA funds may be used to defend, indemnify, and hold harmless the RCEA, any Member, any Director or Alternate Director, and any employee or officer of the RCEA for their actions taken within the scope of their duties while acting on behalf of the RCEA.

5.13 Arbitration. All disputes arising in connection with the interpretation or performance of this Agreement shall be resolved on an equitable basis by a single arbitrator under the commercial arbitration rules of the American Arbitration Association. The arbitrator's decision shall be final and binding on the RCEA, all Members and all former Members involved or affected by the dispute. The RCEA, any Member and any former Member that is party to the dispute may enforce any award, order or judgment of the arbitrator in any court of competent jurisdiction.

5.14 Waiver. Neither a waiver of any breach nor any failure to enforce any provision of this Agreement shall operate as a waiver of any other breach of such provision or any other provision.

5.15 Governing Law. This Agreement will be governed by and construed in accordance with the laws of the State of California.

5.16 Counterparts. This Agreement may be executed in several counterparts, each of which is an original and all of which constitutes but one and the same instrument.

5.17 Effective Date. In accordance with the Amendment provisions of Section 22 of the initial Joint Powers Agreement (renumbered Section 5.5 herein), this Restated and Amended Joint Powers Agreement shall become effective at the time two thirds (2/3) of the Members have approved this Amended and Restated Joint Powers Agreement.

IN WITNESS WHEREOF, the Members of the Redwood Coast Energy Authority have approved this Amended and Restated Joint Powers Agreement and execute this Agreement as of the dates written below.

SIGNATURES APPEAR ON FOLLOWING PAGES
(Exhibit A follows signatures)

COUNTY OF HUMBOLDT

By: _____
_____, Chair of the Board

Dated: _____

Approved as to form:

By: _____
Jeffery S. Blanck, Humboldt County Counsel

CITY OF ARCATA

By: _____
_____, Mayor

Dated: _____

Approved as to form:

By: _____
Nancy Diamond, City Attorney

CITY OF BLUE LAKE

By: _____
_____, Mayor

Dated: _____

Approved as to form:

By: _____
Nancy Diamond, City Attorney

CITY OF EUREKA

By: _____
_____, Mayor

Dated: _____

Approved as to form:

By: _____
Cyndy Day-Wilson, City Attorney

CITY OF FERNDALE

By: _____
_____, Mayor

Dated: _____

Approved as to form:

By: _____

Russell S. Gans, City Attorney

CITY OF FORTUNA

By: _____

Dated: _____

_____, Mayor

Approved as to form:

By: _____

David Tranberg, City Attorney

CITY OF RIO DELL

By: _____

Dated: _____

_____, Mayor

Approved as to form:

By: _____

Russell S. Gans, City Attorney

CITY OF TRINIDAD

By: _____

Dated: _____

_____, Mayor

Approved as to form:

By: _____

Andrew Stunich, City Attorney

HUMBOLDT BAY MUNICIPAL WATER DISTRICT

By: _____

Dated: _____

_____, President

Approved as to form:

By: _____

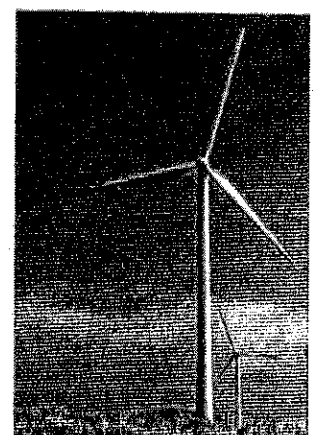
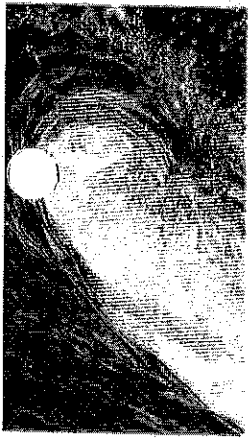
Paul A. Brisso, General Counsel

Exhibit A
Redwood Coast Energy Authority
Amended and Restated Joint Powers Agreement

Board Voting Shares for Community Choice Aggregation Business

Jurisdiction	Electric customer accounts (Dec 2014)	Percentage of total accounts (jurisdiction's accounts divided by total accounts)	Customer Base Voting Share (67 x ratio of accounts)	Pro Rata Voting Share (33 x [1/number of Directors])	Total votes, prior to rounding	TOTAL VOTES
City of Arcata	8,203	12.41%	8.31	4.125	12.44	12
City of Blue Lake	664	1.00%	0.67	4.125	4.80	5
City of Eureka	13,965	21.13%	14.16	4.125	18.29	18
City of Ferndale	939	1.42%	0.95	4.125	5.08	5
City of Fortuna	5,584	8.45%	5.66	4.125	9.79	10
City of Rio Dell	1,508	2.28%	1.53	4.125	6.06	6
City of Trinidad	272	0.41%	0.27	4.125	4.40	4
County of Humboldt (unincorporated)	34,950	52.88%	35.44	4.125	39.57	40
Total	66,085	99.99%	66.99	33	100.03	100

- Due to rounding, totals will differ at various stages of the calculation process.
- The percentages of total accounts are rounded to two decimal places prior to calculating the Customer Base Voting Share.
- Customer Base Voting Share = 67 multiplied by the % of total accounts, rounded to two decimal places.
- Total votes are the sum of the Pro Rata Voting Share and the Customer Base Voting Share, rounded to the nearest whole number.
- The allocation of voting shares will be updated every two years, and as-needed to adjust for changes in the make-up of jurisdictions participating in the CCA.



HUMBOLDT COUNTY **Community Choice Energy** ROADMAP



Introduction BACKGROUND

The Redwood Coast Energy Authority (RCEA) is a local government joint powers agency of the County of Humboldt, the Cities of Arcata, Blue Lake, Eureka, Ferndale, Fortuna, Rio Dell, Trinidad and the Humboldt Bay Municipal Water District. Formed in 2003, RCEA's mission is to develop and implement sustainable energy initiatives that reduce energy demand, increase energy efficiency, and advance the use of clean, efficient and renewable resources available in the region. RCEA offers a range of energy related services to Humboldt County local governments, businesses, and residents in the community.

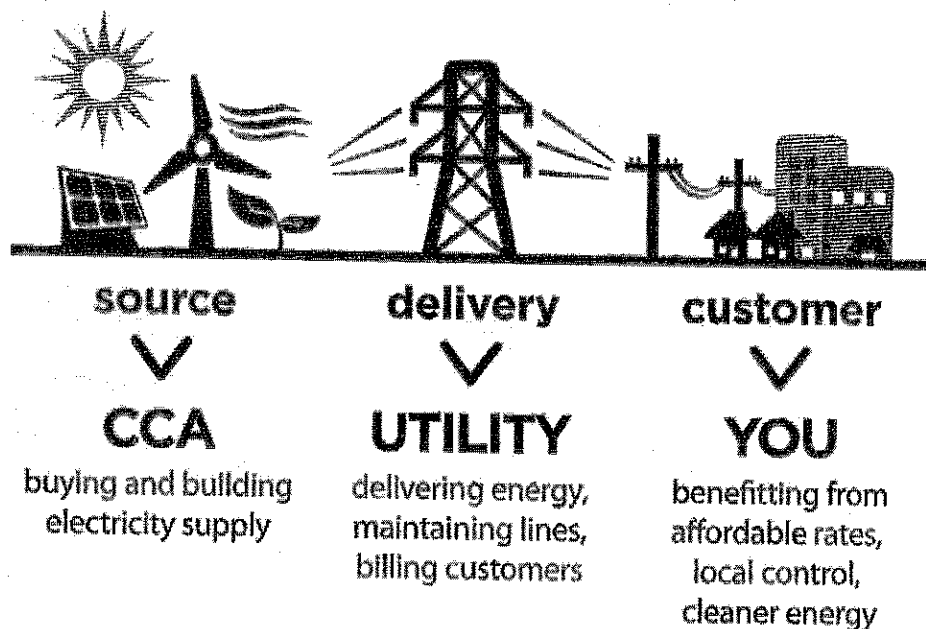
In 2012 RCEA adopted the Humboldt County Comprehensive Action Plan for Energy (CAPE), which is RCEA primary guiding document. Expanding on the strategies outlined in the CAPE, RCEA initiated RePower Humboldt, a community-wide effort to define a vision and Strategic Plan for achieving energy independence and energy security in Humboldt County. With the support of the Humboldt State University Schatz Energy Research Center, the CA Energy Commission, and many community stakeholders, this effort culminated in the development of the RePower Humboldt Strategic Plan to establish a vision for the year 2030 and guide the integration of renewable energy into Humboldt County, develop local energy infrastructure, and set energy-related goals.

RCEA has identified community choice aggregation as potentially a critical mechanism to enable the implementation of the Repower Humboldt Strategic Plan and to realize the RePower Humboldt 2030 vision and the associated community benefits of that vision. To that end, RCEA's board has directed staff to move forward with pursuing the implementation of a local community choice program.

WHAT IS A COMMUNITY CHOICE PROGRAM?

Community choice aggregation (CCA), also known as community choice energy, is a provision of California law that allows cities, counties or joint powers agencies to purchase electricity and other necessary electrical services on behalf of the customers in their territories. CCAs differ from municipal utility districts in that CCAs only provide the generation component of electricity services, which accounts for around half of a customer's electricity bill. The investor-owned utility (IOU), in our case Pacific Gas & Electric (PG&E), continues to own the electricity distribution infrastructure and to provide electricity transmission, distribution, billing, and related customer services. However, CCAs are able to determine their own energy supply mixes and rate structures.

How Local Energy Aggregation Works



While CCA is relatively new in California, with three programs currently providing service to customers, there are over 1,000 CCAs operating across the country in Illinois, Ohio, New Jersey, Rhode Island, and Massachusetts.

WHY IS IT WORTH DOING?

Local Control: A CCA program allows Humboldt County to pursue our own priorities, such as local generation and programs to support economic development, and provides local control of rate-setting. Unlike IOUs, local governments are accountable to their citizens through locally elected officials whose tenures depend on serving the public good and supporting the interests of their communities. When compared with an IOU, the decisions of a local authority will be more transparent and can better reflect the interests and desires of the community. Conversely, IOUs are required to serve the interests of their investors and are subject the regulatory constraints imposed by the CA Public Utilities Commission (CPUC).

Rates: A key motivating factor for the 1,000+ CCAs in operation has been the opportunity to reduce rates for electricity customers; like municipal utilities, CCAs have been able to provide rates sometime as much as 20-30% lower than investor-owned utilities. The established California CCAs have focused on prioritizing environmental performance, but have still managed to achieve rates 2-7% below PG&E while providing significantly higher percentages of renewable energy.

Choice: When a City or County chooses to offer a CCA program to its community, each individual household and business still has the option to opt out of the program and continue to have their generation services provided by PG&E. State law requires that customers receive multiple notices of CCA program launch to ensure they are aware of the option to opt out, and customers can also opt out after the launch anytime in the future. While no customer is forced to participate, opt-out rates are typically very low (under 10% in Sonoma County), which is not surprising when CCA rates are lower.

Priorities

RCEA will implement the Humboldt County CCA program guide by three core priorities established by the RCEA Board of Directors and aligned with the RePower Humboldt Strategic Plan: maximizing the use of local renewable resource, providing competitive rates, and supporting local economic development.

COMPETITIVE RATES

A key factor in success will be our CCA's ability to achieve rate competitiveness with PG&E while pursuing other CCA program goals. To minimize customer opt-outs, the CCA must provide overall rates that are competitive with or lower than those offered by PG&E for similar power supply products.

Maintaining relative rate parity while also providing a high share of local renewable energy will be challenging. Natural gas prices are currently

very low, reducing the cost of non-renewable energy. In the long run, factors such as renewable technology costs, expiration of federal renewable tax credits, natural gas prices, and greenhouse gas compliance costs will influence the ability to maintain rate parity. While these factors cannot be predicted with great confidence, one possible future benefit for a CCA would be a potentially significant financial advantage to the extent that it invests in its own generation resources, particularly if and when renewable tax credits for private developers expire. Prior to launch RCEA is exploring a variety of supply portfolios using different cost assumptions for the above factors to determine the likelihood of maintaining rate parity while offering a larger share of renewable energy.

LOCAL RENEWABLE ENERGY

The CCA program will pursue an energy portfolio that prioritizes the use of local renewable resources, including existing facilities, to the maximum extent technically and economically feasible.

The State has aggressive goals for renewable energy, implemented through the State's Renewable Portfolio Standard (RPS) which sets targets for quantities and types of renewable energy electricity providers must supply their customers. These targets are 25% renewable energy by 2016, 33% by 2020, and 50% by 2030. The CCA program will strive to use local renewable resources to exceed these targets.

Existing local renewable energy generation facilities that the CCA could potentially pursue contracts with are listed in the table below along with generation information as reported by the California Energy Commission.

Facility	Nameplate Capacity (MW)	2013 net output (MWh)
Eel River Biomass Plant	32.5	134,929
Fairhaven Biomass Plant	18	115,522
Blue Lake Biomass Plant	13.8	74,450
Ruth Lake Hydroelectric Plant	2	4,228
Total	66.3	329,129

Average community-wide energy consumption in Humboldt County is around 850,000 MWh per year. So, assuming 10% customer opt-out, these existing facilities could potentially supply around 40% of the CCA's energy demand. However, the power from local facilities is not low-cost, and so a key first step in the procurement planning process will be a detailed and thorough evaluation to determine to what extent the CCA's portfolio can incorporate local renewables and still maintain competitive rates.

The CCA will also offer customer programs that offer residents and business options to more directly engage in the development and use of local renewable energy:

100% renewable, opt-in choice: Customers will be offered a 100% renewable energy option at a price premium, based on the costs of a 100% renewable supply.

Net energy metering tariff: Net Energy Metering allows customers to make their meter "spin backward" and offset their electrical usage by installing a generating system (e.g. solar system on your roof).

Feed-in-tariff program: A Feed-In Tariff is a renewable energy purchasing program which sets simple and straightforward rules and pricing for purchasing surplus electricity from small-scale renewable electricity projects within the CCA's service territory.

ECONOMIC DEVELOPMENT

The CCA will strive to create quantifiable economic benefits in the region through job retention and creation and the investment of any surplus funds to develop local renewable energy projects and community energy programs that benefit customers.

The CCA will promote regional energy conservation through custom programs targeted at local customers and implementing demand management best practices. The CCA will also explore the development of energy rates and incentives that can support community business retention and expansion.

Of immediate significant relevance to the local economy is the critical role of local biomass power plants in the forest-products sector. Biomass from sustainably managed forests is a renewable resource that can be used to generate base-load electricity reducing the need for electricity on California's grid produced from fossil resources. In addition, biomass use in electricity generation contributes to lowering greenhouse emissions by disposing of wood residuals (sawdust, wood chips) generated from milling logs into lumber in a controlled combustion environment eliminating methane, particulate matter and other harmful emissions associated with alternative fates such as open pile burning or landfills.

Further, markets for woody materials generated from wildfire risk reduction treatments created by biomass power generation increase the likelihood that fire on the landscape can fulfill its ecological role in California's forests by allowing land managers to conduct fire risk reduction treatments on larger areas.

Two of our three local biomass plants are currently idle due to the wholesale purchase prices offered by utilities being too low for our plants to viability operate. This is the result of both the currently-low price of natural gas as well as the rapidly-decreasing cost of other renewable resources like solar. While the low cost of other renewable resources available to utilities is an excellent development overall, the local impact of our biomass power plants shutting down has a significant negative

impact on the entire forest products industry in the County in the form of increased costs of sawmill residue removal and increasing levels of logging residues left in the woods to pile burn or be burned in the next wildfire.

Yana Valachovic, University of California Cooperative Extension Forest Advisor and Humboldt - Del Norte County Director, describes the current situation this way: "Without a market to purchase sawmill residue or residue from fuel reduction or forest health activities, sawmills are scrambling, investors are looking elsewhere, and many forest stewardship activities have been stopped. This creates a significant economic and ecological crisis in this region."

The availability of local biomass facilities to utilize wood waste is the Achilles' heel of our forest-products sector, with possibly hundreds of local living-wage jobs currently threatened by the uncertain fate of our local power plants. The local control of power purchasing decisions provided by the CCA program will provide a key opportunity to potentially solve this problem. Unfortunately this urgent issue has already reached a critical point in 2014, providing an impetus for swift action to establish the CCA, determine the feasibility and parameters incorporating biomass energy into the CCA's portfolio, and proceed with contracting if deemed viable.

OTHER KEY PRINCIPLES

In addition to the core priorities above, the CCA will be implemented with additional key principles to guide decision making:

Operational Excellence: The CCA will operate as a well-managed organization based on a financially sustainable and flexible business model. This will include a commitment to robust planning and risk management strategies, conservative fiscal management, and the development of a reserve fund.

Environmental Performance: In addition to the percentage of renewable energy delivered, the CCA program will pursue an energy portfolio that also reduces greenhouse gas (GHG) intensity but also minimizes the use of unbundled renewable energy credits (RECs).

Accountability and Transparency: As a local government program the CCA program is accountable to citizens through locally elected officials whose tenures depend on serving the public good and supporting the interests of their communities. Customer will have access to democratically elected or appointed representatives and CCA governance decisions will be made in local, public meetings in a transparent way and will strive to reflect the best interests of the community.

Launch & Operations

The launch and operations of the CCA program falls into three primary categories of activities: governance, community outreach and engagement, and operations.

GOVERNANCE

Joint Power Agreement: Established in 2003, RCEA's joint powers agreement (JPA) provides an existing foundation to move forward with a community-wide CCA program for Humboldt County. The RCEA Board has established its interest in becoming community choice aggregator and implementing a community CCA program on behalf of those member Cities and the County that choose to become CCA participants. In order to become a community choice aggregator the RCEA JPA requires revision. Pursuant to the current JPA, amendments are permissible if in writing and approved by at least 2/3 of the RECA member agencies.

RCEA's Board has approved CCA-enabling revisions to the JPA; the nature of these changes include:

1. Any RCEA member City or the County may elect to participate in the CCA program by adopting an ordinance indicating its election to participate (staff intends to prepare a template ordinance for member agency use).
2. As specified in the current JPA, the RCEA's debt, liabilities and obligations do not become debts, liabilities or obligations of the member agencies.
3. A partially weighted voting structure based on each participating member's proportion of total electricity customers.
4. RCEA member agencies that are not CCA program participants would continue to vote on all RCEA matters except those pertaining to the CCA program. Only member agencies that become CCA program participants will vote on CCA program matters.

The RCEA Board chose to adopt a 2/3 weighting to provide more representative decision making while still ensuring a diversity of community perspectives are included. Weighting based on the share of electricity customers was selected to capture representation of both residential and commercial CCA customers, while not tying the weighting to consumption as other CCA have done. It should be noted that there is not a substantive difference regardless of whether the weighting was based on population, electricity customers, or total energy load as shown in the table below.

Jurisdiction	Population	% of electric. customers (selected for weighting)	% of energy load	% of pop.
Unincorp. County	71,925	52.9%	58.2%	53.4%
Eureka	26,925	21.1%	21.2%	20.0%
Arcata	17,730	12.4%	10.6%	13.2%
Fortuna	11,888	8.5%	6.0%	8.8%
Rio Dell	3,377	2.3%	1.7%	2.5%
Ferndale	1,364	1.4%	0.9%	1.0%
Blue Lake	1,243	1.0%	0.6%	0.9%
Trinidad	357	0.4%	0.7%	0.3%

The amended and reinstate JPA is currently in the review and approval process with RCEA's Members.

CCA Ordinance: Established by State law, the process for becoming a CCA requires that each local government governing body adopt an ordinance proclaiming their decision to participate in the CCA through RCEA, after which RCEA must file then an Implementation Plan with the CPUC. RCEA is preparing an ordinance template for Member governments that chose to participate in the CCA.

It should be reiterated that a jurisdiction choosing to be a part of the CCA is making the option of participation available to that community, but individual customers can choose initially or at a later time whether or not they want to participate.

Implementation Plan: The CPUC, which ultimately has to approve the program, requires that the CCA submit an Implementation Plan that covers all aspects of the set-up and operation. The plan will include the following:

- Process and consequences of aggregation
- Organizational structure of the program, its operations and funding
- Rate setting and other costs to participants
- Disclosure and due process in setting rates and allocating costs among participants
- Methods for entering and terminating agreements with other entities
- Participant rights and responsibilities
- Termination of the program
- Description of third parties that will be supplying electricity under the program, including information about financial, technical and operational capabilities

The Implementation Plan must also include a statement of intent indicating that the program must provide universal access, reliability and equitable treatment of all classes of customers, and to meet any other requirements established by state law or by the CPUC. Section 366.2 of the Public Utilities Code specifies that to form a CCA, there must be a local ordinance approved by the entity proposing the CCA, followed by the

preparation of an implementation plan, which must contain specific elements outlined in the statute. After the implementation plan is approved, the CCA registers with the CPUC and provides an executed copy of the services agreement between the CCA and the utility that covers the services to be provided by the utility (eg: billing).

Funded by the CA Energy Commission, the Local Government Commission developed the template for CCA implementation plans, along with a CCA implementation guidebook, available at:

http://www.energy.ca.gov/pier/project_reports/CEC-500-2008-091.html

COMMUNITY OUTREACH & ENGAGEMENT

Media and Information Distribution: There are numerous complexities related to electricity service and how CCAs operate that are unfamiliar to the majority of citizens. To ensure that the community becomes aware of the local CCA efforts and the ramifications of CCA implementation, RCEA has begun conducting general education and outreach efforts through print, online, social media, radio, television, and through RCEA's resource center in Old Town Eureka.

Workshops: In addition to broad outreach efforts, RCEA is scheduling a series of town-hall open-house workshops around the County to provide the community numerous in-person opportunities to learn about what a CCA program is, why we are doing it, and how it works.

Rate Comparison: Developed and jointly produced with PG&E, a rate comparison provides a typical bill for various customer classes under the CCA rates alongside the current PG&E rates. This provides a clear picture for the rate impact for customers based on the power option they choose; an example from Sonoma Clean Power is available at:

https://sonomacleanpower.org/wp-content/uploads/2015/11/2015-09-01-SCP_Joint-Rate-Comparison.pdf

Opt-Out Notices: An important step in CCA launch is providing all customers with multiple opt-out notices. The CCA must fully inform all customers of their right to opt out of the CCA program and to continue receiving service as a bundled customer from the IOU. All customers must be notified twice within 60 days prior to the date of automatic enrollment. In addition, notification must continue for participating customers for at least two consecutive billing cycles after enrollment. Customer notification must contain the following information:

- Those customers will be automatically enrolled.
- That each customer has the right to opt out of the program without penalty.
- The terms and conditions of CCA service.

OPERATIONS

There are numerous technical and complex components of launching and operating a CCA program, including:

- Financing
- Load forecasting
- Rate analysis
- Customer service
- Accounting
- Utility data management and interface
- Regulatory compliance
- Power procurement and scheduling

To facilitate the rapid and successful roll out of the CCA, RCEA will outsource significant components of program start-up and operations work to qualified contractors with the qualifications, expertise, and overall experience to provide the CCA services, including factors such as:

- Demonstrated direct experience within and understanding of the California energy market, including relevant legislation and regulations applicable to CCA and its major participants – investor owned utilities, CA Independent System Operator, energy service providers and independent power producers, California Public Utilities Commission, and other key market players.
- Demonstrated understanding of the CCA formation process in California including - statutory and regulatory requirements, and best practices, including experience in customer data analysis.
- Demonstrated experience in resource planning and energy procurement.
- Demonstrated experience in rate setting /design and sensitivity analysis, including anticipated rate impacts related to varying levels of renewable energy procurement and local renewable project/program development as well as energy efficiency and demand reduction program implementation.
- Demonstrated experience in California energy compliance reporting as it relates to CCA.

To this end, RCEA is issuing a Request for Proposals (RFP) to select a qualified entity or group of entities to provide comprehensive services to support RCEA with the development, financing, launch, and operations of the CCA program for Humboldt County. RCEA intends to enter into an Agreement with the selected Contractor(s) for a period of up to five years.

The Table below outlines at a high-level the anticipated roles and duties of the RCEA Board, RCEA staff, and the third-party contractor(s). RCEA anticipated a heavy reliance on contracted companies in the initial 5 years, with the potential to shift certain operational activities to RCEA staff if deemed viable and cost-effective.

Function	Start-Up	Near-Term (2 to 5 Years)	Long-Term
Program Governance	Authority Board	Authority Board	Authority Board
Program Management	Authority staff (Third Party support)	Authority staff	Authority staff
Outreach	Authority staff	Authority staff	Authority staff
Customer Service	Authority staff (Third Party support)	Authority staff (Third Party support)	Authority staff (Third Party support)
Key Account Management	Authority staff	Authority staff	Authority staff
Regulatory	Third Party (Authority staff support)	Authority staff (Third Party support)	Authority staff
Legal	Authority staff (third Party support)	Authority staff (Third Party support)	Authority staff
Finance	Third Party (Authority staff support)	Authority staff (Third Party support)	Authority staff
Rates: Approve	Authority Board	Authority Board	Authority Board
Rates: Develop	Third Party (Authority staff support)	Authority staff (third Party support)	Authority staff
Resource Planning	Third Party (Authority staff support)	Third Party (Authority staff support)	Third Party (potentially Authority staff)
Energy Efficiency	Authority staff	Authority staff	Authority staff
Resource Development	Authority staff (Third Party support)	Authority staff (Third Party support)	Authority staff (Third Party support)
Portfolio Operations	Third Party	Third Party (Authority staff support)	Third Party (Authority staff support)
Scheduling Coordinator	Third Party	Third Party	Third Party
Data Management	Third Party	Third Party	Third Party

The following section outlines in greater detail the scope of services that RCEA is seeking to fulfill through its RFP for third-part contractors.

Contracted Scope of Services

Below is the scope of services that RCEA is seeking to fulfill through third-part contractors. It is organized by the three phases of Program Development, Program Launch, and Program Operation.

PHASE 1. PROGRAM DEVELOPMENT

Task 1.1: Community Engagement Support

RCEA is currently in the process of updating its Joint Powers Agreement to accommodate CCA implementation, working with RCEA Members to complete the ordinance process to launch the CCA, and conducting community education and outreach. Contractor will support RCEA in these efforts through the following task:

- a. *Information for City and County Officials:* Contractor will assist RCEA with continuing to engage local officials and policymakers – city council members, city managers, city and county staff, etc. – on the basics of Community Choice, highlighting the experience of CCA programs to date and detailing the benefits and challenges of running an effective CCA.
- b. *Initial Implementation/Formation Timeline:* Proposer will develop an initial timeline for CCA formation and launch. The timetable should include a schedule of all steps needed to launch. As part of this task, Proposer will also be asked to consider more detail on operational structures and procedures and recommended subcommittees (such as a Rate Setting Committee).
- c. *Express goals as it relates to technical study:* Proposer will assist RCEA with further refining and defining the CCA program priorities and goals to support evaluating the environmental benefits and cost implications of a range of scenarios during the technical analysis.

Task 1.2: Technical Analysis

Critical to confirming the viability of a Humboldt County CCA will be a technical analysis that sizes the program and determines if certain criteria – cost competitiveness with the incumbent utility, environmental benefits – can be met. The technical analysis will take load data from PG&E and determine how many customer accounts are likely to be served by the CCA and identify related tariff designations/options under which such customers will take electric service. The study will quantify the expected electricity requirements of customers (total MWh) as well as periodic peak demands associated with such customers (total MW in demand requirements).

After being provided with load data from PG&E the Contractor will review,

format, and import data into an analytical framework and prepare summary level data for residential, commercial, industrial and municipal accounts. The Contractor will also prepare a 10-year load forecast in consideration of this data. The technical analysis will consist of the following sections:

- **1.2.1: Load study and forecast:** Prepare utility load forecast that reviews historical and projects future electric energy requirements and peak demand across all customer classes, taking into account growth in renewables (e.g.: rooftop solar) and other appropriate factors, such as compensation for line losses. This task would entail the development of class-specific forecasts that are aggregated to comprise a composite of expected electrical energy requirements (and hourly shape) for the County. This forecast should be developed in a manner that allows for the inclusion or exclusion of current direct access electrical accounts, as identified in customer data provided by PG&E. As previously noted, the load study will estimate the number of MWh that will be required to serve the electric energy requirements of the CCA during the first ten years of operations, including applicable peak demand for purposes of quantifying resource adequacy requirements (RAR).
- **1.2.2: Rate Analysis:** Prepare both CCA and incumbent/PG&E rate analysis with reasonable estimates of future PG&E rate changes based on historical prices, as well as factors that may affect the rate of increase into the future (e.g. local generation construction, spot market pricing, renewable energy mandates and declining cost of renewables, etc.). Other factors may also include ancillary services, transmission congestion impacts, and transmission scheduling coordination costs. This analysis should be presented in a scenario analysis, with high, medium and low estimates of future PG&E pricing for all rate classes. Other considerations should include:
 - a. Identification of other factors that may affect rate comparison (examples include combinations of the following: high gas, low gas, high hydro, low hydro, etc., and rate restructuring)
 - b. Investor Owned Utility (IOU) costs and surcharges embedded in rate forecast for direct comparison to CCA costs
 - c. Based on IOU rate forecasts and other independent rate forecasts, compile electric generation service cost/ payment estimates for prospective CCA customers in consideration of applicable IOU rate schedules.
- **1.2.3: Supply Scenarios for CCA:** Contractor will develop the scenarios for the energy procurement requirements of the CCA to address the goals and priorities as described above. Each scenario will examine the likely rates and competitiveness with PG&E, given current market conditions. Each scenario will also estimate greenhouse gas (GHG) impacts compared to PG&E. Contractor should consider variations in how both the renewable and non-renewable portions of the power mix can be obtained

(e.g., in-state, in-county, out-of-state, unbundled vs. bundled renewable energy credits, technology preferences), and non-renewable portfolio attributes (e.g., system purchases, natural gas, hydro-electric).

- **1.2.4: Economic Impacts:** For these scenarios, the Contractor should examine not just costs and GHG impacts but also assist RCEA with an analysis of the direct and indirect economic impacts of various supply scenarios.
- **1.2.5: Sensitivity Analysis:** The Contractor's model must be able to accommodate sensitivity analyses reflecting changes in the following variables:
 - a. Market prices for conventional (non-renewable) energy
 - b. Market prices for renewable energy based on preferred technologies.
 - c. Changes in PG&E generation rates, exit fees and customer surcharges. Contractor will examine the possibility that PG&E rates can go down in future years, either in response to the competition created by CCAs and other factors.
 - d. Changes in policies affecting local renewables development, including the possible reduction or elimination of the federal solar tax credit and production tax credit for wind power.
 - e. Contractor will examine to what extent rates may change depending on varying levels of participation. If, for example, 30%, 20, or 10% of the total County load is not included in the CCA will rates and resource availability materially change? In other words, would lower levels of participation potentially translate into higher prices given reductions in volume?
 - f. Rate sensitivity to higher renewable energy portfolio targets that exceed state RPS.
 - g. Rate sensitivity to local renewable generation, energy efficiency and demand-side programs.
 - h. Customer opt-out rates.
 - i. Contractor should also evaluate the potential impact of new policies, such as the RPS increasing to 50% by 2030. What impact will this have on rates and resource availability?
 - j. Contractors should consider the GHG impact of a CCA program's initial power portfolio, including the potential unavailability of hydropower for a CCA's non-renewable portion (this is a key component of Sonoma Clean Power's ability to have a low GHG content). Contractors should consider a Humboldt CCA's GHG emissions if it cannot secure substantial, carbon-free sources like Sonoma Clean Power's large-hydro contract. Is it possible, for example, that a CCA could have a level of emissions similar or higher to PG&E in the short term, but (with increasing levels of renewables) lower emissions in the long-term? If this is the case, the Contractor should consider a long-term GHG emissions profile compared to PG&E. That PG&E GHG baseline could (a) improve

because of an increasing RPS or (b) weaken because of lack of hydropower and the long-term uncertainty associated with the Diablo Canyon Nuclear Plant (a large source of emissions-free power).

Task 1.3: Financial Analysis

Based on the technical analysis, Contractor will assess the CCA program from an overall cost-benefit perspective. This analysis would quantify all necessary upfront costs (CCA bond requirements, other start-up costs and financing required to initiate power procurement) as well as on-going costs associated with buying power and administration. The result will be a 10-year cash-flow analysis detailing costs and revenues under each scenario assessed in Part 2. Quantifiable impacts shall include potential for: 1) annual and net savings over PG&E; 2) net GHG reductions; 3) expanded use of renewable energy resources and local economic development. This task will provide RCEA with:

- a. Pro forma report, including cash flow analysis, detailing costs and projected benefits under four electric supply scenario assumptions.
- b. Pro forma reports detailing costs and projected benefits under sensitivity case assumptions.
- c. Pro forma reports detailing costs and projected benefits of phasing in customer load over time.

Contractor will assemble known and predictable cost-of-service variables and incorporate these into base-case analyses. Predictable cost-of-service variables include energy costs (forecast spot market prices, long and short-term power contracts and renewable energy minimums). Other inputs include start-up costs, cost of capital, operating and maintenance costs (administration, staffing, external technical Contractors and legal assistance, billing and collections, and customer service – call centers and data management). The Contractor should also consider uncollected bills, program reserves, CCA bonding for reentry fees, PG&E surcharges. Finally, the Contractor should consider feed in tariff and net energy metering programs that encourage development of renewable energy generation projects in the region by offering customers a sustained reliable payback on their investment in renewable energy and sustainable local generation system.

Task 1.4: Risk Analysis

Contractor will also analyze the potential risks to the CCA program, and outline risk-mitigation measures. Such risks include but are not limited to:

- a. Any financial risk to RCEA Members in the event the CCA fails (are there financial safeguards the Members should consider?).
- b. Financial risk of a CCA that procures too much or too little power and what the reasons might be for missing demand forecasts (e.g. higher than expected opt outs).
- c. Regulatory and legislative risk, due to rule changes at the CPUC or changes in state law that affect the ability of CCAs to be competitive.
- d. As described earlier, the ability to procure the necessary amounts

- of renewable supply to meet and exceed RPS standards, particularly as the RPS rises to 50% by 2030 (and/or the number of CCAs in the State greatly expands) and the demand for renewable energy spikes. The Contractor should examine concerns expressed that there may not be enough renewable supply to serve and expanding CCA market, or that costs of exceeding the RPS in alignment with the goals of the CCA will be so high that many customers will opt out.
- e. What is the exit strategy from the CCA if some or all of the Members are dissatisfied with the program and/or RCEA deems that the CCA is not longer viable at a later date.

PHASE 2. PROGRAM LAUNCH

Assuming there are no critical barriers to a successful Humboldt CCA identified in Phase 1, Phase 2 will address all of the tasks required to provide the first delivery of energy to customers. These tasks are outlined as follows:

Task 2.1: Implementation Plan/Perform All Regulatory Functions

Contractor will undertake all functions necessary to comply with CPUC regulations related to launching a CCA program. For example, the CPUC, which ultimately has to approve the program, requires that the CCA submit an Implementation Plan that covers all aspects of the set-up and operation. The plan will include the following:

- Process and consequences of aggregation
- Organizational structure of the program, its operations and funding
- Rate setting and other costs to participants
- Disclosure and due process in setting rates and allocating costs among participants
- Methods for entering and terminating agreements with other entities
- Participant rights and responsibilities
- Termination of the program
- Description of third parties that will be supplying electricity under the program, including information about financial, technical and operational capabilities

The Implementation Plan must also include a statement of intent indicating that the program must provide universal access, reliability and equitable treatment of all classes of customers, and to meet any other requirements established by state law or by the CPUC. Contractor will be responsible for drafting the Plan and ensuring its certification by the CPUC.

Task 2.2: CCA Organizational Infrastructure

Contractor will assist RCEA with creating the necessary organizational documents, procedures, and systems to successfully operate the CCA, including:

- a. Business and operations plan
- b. Operational policies and procedures
- c. Committee structures and processes

Task 2.3: Procurement/Vendor Engagement

Contractor will undertake all tasks necessary to ensure all required vendors are identified and engaged prior to launch, including drafting, issuing and evaluating (with RCEA staff) any needed requests for proposals and submitted bids. Contractor will assist RCEA in negotiating energy-supply contracts as well as any other vendor contracts needed to perform all CCA implementation activities that will not be performed by the Contractor. Contractor will be available to answer questions and help obtain approval for these agreements from the RCEA Board of Directors. While responding Proposers must clearly detail all of the necessary vendors and outside services not provided by the proposal team which will be required to successfully launch the CCA program. Procurement activities could include, but would not be limited to:

- a. Assist with negotiations and contracting with existing and new local generation facilities for a portion of the initial energy supply.
- b. Prepare and issue RFP or other competitive process for provider(s) to satisfy RCEA's requirements for wholesale energy supply sufficient to meet all needs of CCA customers (energy, resource adequacy, RPS compliance), as well as schedule coordination services with the CAISO.
- c. Prepare and issue an RFP for data management, billing and "back office" services to ensure a proper database of all customers is maintained and all related services occur on schedule (opt-out notices, bill collection, etc.).
- d. Participate in discussions with PG&E and help RCEA develop and execute a utility-service agreement as well as all necessary systems to ensure proper functioning of the roles between the CCA and PG&E, including seamless transfers of electronic data.

Proposers will be asked to indicate if they or their subcontractors can undertake any or all of these services, thus negating the need to go through a separate RFP process.

Task 2.4: Customer Engagement

Contractor will assist RCEA with developing and managing a plan for engaging the customers prior to launch, including setting up a call-center and obtaining all of the data necessary for customer enrollment. The Contractor will also ensure all opt-out notices are sent by the proper times (120 days and 60 days both prior to and after launch). If a community outreach plan is developed, Contractor will work with RCEA to ensure the plan is being followed.

Task 2.5: Rate Setting, including policies to encourage distributed generation (Feed-in-Tariff, Net-Energy-Metering)

Contractor will conduct an analysis to assist the CCA in establishing a rate regime that meets the annual budgetary revenue requirement developed by the program. This will include recovery of all expenses and any reserves or coverage requirements set forth in bond covenants or other debt-service requirements. RCEA anticipates a rate structure similar to PG&E's rate system at the outset (CCAs to date have started with a similar rate structure to PG&E to ensure the program rates are not drastically different from what they were previously). Included in the rate structure should be consideration of policies that further encourage renewable energy development, including but not limited to:

- a. A feed-in-tariff program to incentivize renewable energy projects within the CCA service territory;
- b. A net energy metering tariff that encourages solar installation on the customer side of the meter;
- c. A 100% renewable, opt-in choice. Customers would be offered a 100% renewable energy option at a premium price, based on the costs of a 100% renewable supply.

Additional Phase 2 Tasks

Proposers will be asked to outline other components of the launch phase that will be important in the program ultimately being successful.

PHASE 3: PROGRAM OPERATION

Phase 3 of the Scope of Services represents the on-going operation of the CCA program after launch. Proposers offering Phase 3 services must demonstrate their qualifications and capabilities to do so and be clear about the method of compensation. Proposers not offering phase 3 services should address how they will work with RCEA to meet the ongoing CCA operational needs after launch and if/how such an approach would be economically and operationally advantageous to RCEA.

Task 3.1: Financing for initial power purchases and other short-term needs

There will be a number of short-term financial needs, including the posting of the CCA bond (currently at \$100,000) and the costs of buying the initial electricity before the revenue from electricity sales comes into the program. The Contractor should specify whether it can cover these costs, such as the bond, or if it intends to work with RCEA to raise the necessary capital from a financial institution. If the latter, Contractor should specify its role in helping to secure the financing. Thus for this task, the respondent should clearly specify all anticipated financial needs at launch and how those funds will be obtained. If a loan is required, the Contractor should provide an estimated timetable and loan repayment schedule.

Task 3.2: Program administration and compliance

Contractor should specify in clear detail what administrative and program function it proposes to undertake compared to proposed CCA staff. If the contractor proposes to undertake some of the CCA functions but not all of them, a potential CCA staffing plan should be provided that contemplates the roles and functions of each CCA staff member, clearly distinguishing between CCA staff functions and the functions of the Contractor. On one hand, the third-party Contractor could undertake all functions and have a completely outsourced CCA with no CCA staff. Conversely, there could be an extensive CCA staff with the Contractor offering only services in certain key areas. The respondent is encouraged to think through carefully what CCA functions are outsourced and what would best be handled by CCA staff. It is suggested a matrix of functions is provided, with a proposed structure for what roles the Contractor would handle and what would be done by public-agency CCA staff. If Contractor's proposal is flexible on this matter elaborate on that flexibility. The key CCA functions to be undertaken include but are not limited to:

- **3.2.1: Regulatory and Legal Compliance:** Ensure compliance will all regulatory requirements of CCA, such as RPS, resource adequacy, energy storage implementation and re-certification of implementation plan when necessary. This function would also involve monitoring on-going regulatory proceedings at the CPUC (as well as proposed laws at the legislature) that materially affect CCA functions and competitiveness, and providing comment and testifying at these forums when appropriate. Of particular concern would be impacts on CCA fees, such as the departing load charge and changes around the cost allocation mechanism.
- **3.2.2: Policy and program development,** including energy efficiency program administration, local development projects, job training and energy storage initiatives. Innovative policies could include, as discussed previously, FIT and NEM programs.
- **3.2.3: On-going communications and outreach to CCA customers,** including managing all customer service functions and a call center.
- **3.2.4: Accounting services,** including all bill calculation and delivery, customer accounting, etc. This includes managing and refining the Utility Data Interface.
- **3.2.5: Wholesale power procurement operations,** including schedule coordination in the day ahead and real-time markets as appropriate and handling all settlements with the CAISO.
- **3.2.6: Long-term power procurement,** issuing of RFPs for multi-year, off-take agreements, reviewing and evaluating bids and

negotiating bilateral power-purchase agreements with third-party power providers.

- **3.2.7: Financial planning** for the CCA program, planning annual budgets and presenting to the Board of Directors as appropriate. This task would include managing the rate-setting process and getting approval for rates from the Board.
- **3.2.8: Undertaking continual risk management** and presenting to the CCA staff and/or Board of Directors notice of potential risks associated with the following areas, as well as presenting risk-mitigation strategies:
 - a. Cost Responsibility Surcharge Volatility
 - b. Commodity Price Volatility
 - c. Wholesale Suppliers Reliability
 - d. Customer Attrition
 - e. Credit Risk
 - f. Utility Rate Changes
 - g. Regulatory Changes

Task 3.3. Long-term planning

The Contractor will need to develop a long-term integrated resource plan that considers both demand-side reductions (through energy efficiency and demand response) as well as supply needs. The resource plan will estimate the percentage of total electricity demand that will come from renewable and non-renewable resources. Other CCAs have drafted similar integrated resource plans, which the Contractor can refer to.

Contractor will also work with RCEA to create an action plan for developing local renewable energy projects. This plan will address the approximate time, number of megawatts and potential locations of solar, wind and other types of projects. Included in this plan would be a discussion of the financing options (third-party power purchase agreements, leasing, debt financing, etc.) and the pros and cons of each approach. The local build-out plan will consider a 15-year planning horizon and should emphasize (but not be completely limited to) projects within Humboldt County.

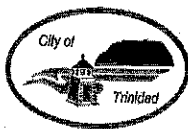
Additional Phase 3 Tasks

Proposers will be asked to outline other components of the operations phase that will be important in the program ultimately being successful, including any additional innovative or value-added services proposed beyond the basic requirements of CCA operations outlined above.



REDWOOD COAST
Energy Authority

633 3rd Street, Eureka, CA 95501
P: 707.269.1700 F: 707.269.1777
info@redwoodenergy.org
www.RedwoodEnergy.org



DISCUSSION AGENDA ITEM 6

SUPPORTING DOCUMENTATION FOLLOWS WITH: 25 PAGES

6. Discussion/Decision to send letter to the Coastal Commission encouraging protection of Scenic Views as a condition of the proposed Homan Subdivision on Stagecoach Road.

AGENDA ITEM

Date: November 10, 2015

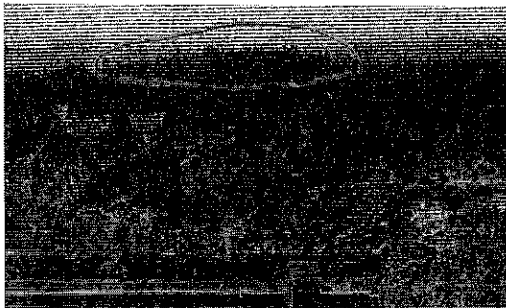
Item: CONSIDER SENDING A LETTER TO THE CALIFORNIA COASTAL COMMISSION ENCOURAGING PROTECTION OF SCENIC VIEWS AS A CONDITION OF THE HOMAN SUBDIVISION OFF STAGECOACH RD.

Summary:

A coastal development permit for a 6 lot subdivision fronting Stagecoach Rd. and Anderson Lane has been approved by the County Planning Commission, upheld upon appeal to the Board of Supervisors, and is now being appealed to the California Coastal Commission. One of the appellants are requesting that the City send a letter to the Coastal Commission as follows:

Whereas the views from Trinidad Head and coastal points south are of unique national significance, and important to the City's tourism economy, we hereby request the California Coastal Commission to require modifications to the subdivision that will fully protect the natural unbroken forested character of this ridgeline in all public coastal viewpoints including Trinidad Head and coastal points south.

The appellant has provided the following images showing the location of the ridge in question.



Taken from the "Trinidad Head Upper" vantage point, this photo includes the ridge on the Homan Parcel (circled in brown).



Taken from the "Trinidad Head Lower" vantage point, this photo is featured on the Trinidad Tourism website today. The ridge on the Homan Parcel is circled in red.

The Board of Supervisors recently heard the appeal of the Planning Commission decision, and while denying the appeal, they did approve the following additional conditions related to views:

*(10) "To ensure that future development is subordinate to the surrounding area consistent with the Trinidad Area Plan (TAP), the following measures shall be implemented during the Coastal Development Permit and Design Review process for Lots 4 and 5:

(a) No trees shall be removed within 100 feet of the southerly property line of Lot 4, within 50 feet of the western property line of Lot 4, within a circular area with a 75-foot radius centered at the confluence of Lot 6, Lot 2 and the access road, or within 50 feet of the eastern property line of Lot 5 unless the visual analysis determines that the remaining trees and vegetation provides significant screening from public viewpoints, or if such trees are deemed a hazard by a qualified forestry professional or arborist. Trees identified on the tentative map to be removed for access improvements and public utility purposes are not subject to these requirements.

(b) The highest point of a structure shall not exceed 30 feet vertically measured from the highest point of the foundation, nor 35 feet from the lowest point of the foundation. If it is determined that a proposed structure will not be subordinate to the surrounding area, further height reductions may be necessary.

(c) Structures shall be painted with dark earth tones.

(d) A visual resources impact analysis shall be required in order to assure that the structure will be subordinate to the surrounding area. This analysis requires that story poles be erected to create an accurate silhouette of the proposed project. In addition, any visible glazing identified in the analysis shall use anti-glare treatment."

Staff have not had the opportunity to discuss with the appellant whether these conditions fully address their concerns or not. Staff will attempt to do so prior to the meeting.

Staff Recommendation:

1) Consider whether to provide a letter to the Coastal Commission regarding this project.

Attachments:

Staff Report for the Board of Supervisors
Conditions of approval for the project as permitted by the County Board of Supervisors (two files, one for Planning Department, one for Public Works)



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

K-3

Hearing Date: October 6, 2015
To: Board of Supervisors
From: Kevin R. Hamblin, Director, Planning and Building Department *S. Weiner for*
Subject: Appeal of Planning Commission Approval of the Homan Major Subdivision and Coastal Development Permit
Case Number FMS-08-002A, CDP-08-025A
Assessor Parcel Number 515-191-037-000
Trinidad area

RECOMMENDATIONS:

That the Board of Supervisors:

1. Open the public hearing and receive the staff report and public comment.
2. Based on the findings in the staff report and testimony received about the project, deny the appeal and approve the Homan Major Subdivision and Coastal Development Permit application subject to the modified conditions of approval.
3. Direct the Clerk of the Board to give notice of the decision to the appellant, the project applicant, the agent and any other interested party.
4. Close the public hearing.

Prepared by Trevor Estlow
Trevor Estlow, Senior Planner

CAO Approval Amy Olsen

REVIEW: County Counsel JWE Human Resources Other
Auditor: _____

TYPE OF ITEM:
☐ Consent
☐ Departmental
☒ Public Hearing
☐ Other _____

PREVIOUS ACTION/REFERRAL:

Board Order No. _____

Meeting of: _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
Upon motion of Supervisor
Seconded by Supervisor

Ayes
Nays
Abstain
Absent

SEE ACTION SUMMARY

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: _____

By: _____

Kathy Hayes, Clerk of the Board

SOURCE OF FUNDING: Fees submitted by the appellant are deposited into Planning and Building Department Current Planning Revenue Account 1100-277-608000. Any costs incurred by this appeal that exceed the applicant's appeal fee will be covered by the Current Planning Division's FY 2015-16 General Fund Allocation.

DISCUSSION:

Project Description

The matter for consideration by the Board is an appeal (Attachment A) of the Planning Commission's July 16, 2015 approval (Attachment B) of the Final Map Subdivision and Coastal Development Permit application by John and Katrin Homan for a subdivision of an approximately nineteen acre parcel into six parcels.

Summary

The project includes a phased Final Map Subdivision to create six (6) parcels ranging in size from approximately 2.2 acres to 6.9 acres. The objective is to create separate legal lots consistent with a 2-acre minimum parcel size, suitable for residential development, while protecting sensitive habitat and visual qualities. The project will be developed in two phases. The existing approximately 19-acre parcel is developed with one residence. The property has frontage on Anderson Lane and Stagecoach Road. Access is from a private road from Anderson Lane, which serves the single-family home on the property and two off-site residences. A similar Final Map Subdivision was previously proposed on the subject site to create nine (9) parcels. In response to input received on that project, the current application was modified to reduce the number of parcels (9 to 6), limit driveway encroachments off Stagecoach Road to one, and limit tree removal (a total of 40 trees will be removed to permit development of road improvements). A 50 foot wide tree preservation buffer and building setback is proposed to be established along the full length of Stagecoach Road. Development will comply with all stream and wetland buffer setbacks set forth in the Trinidad Area Plan (TAP) and therefore no exceptions to these buffers are necessary. All new development will be served by on-site domestic water wells and wastewater disposal systems.

Basis of Appeal

The basis of the appeal is set forth in the appeal letter submitted by Robert Vogel, which was received by the Planning and Building Department - Planning Division on July 24, 2015 (Attachment A). This appeal was timely filed in accordance with County Code.

Planning Commission Decision

On July 16, 2015, the Planning Commission approved the project by adopting Resolution No. 15-21, with a 7-0 vote after review of the staff report and supplemental information and after consideration of public testimony (Attachments B, C and D).

Staff Recommendation

Planning staff recommends that the Board deny the appeal, uphold the Planning Commission decision and approve the project subject to the recommended conditions with clarifying language as suggested in the Coastal Commission response to the appeal.

Staff Discussion on the Issues on Appeal

The appellant does not deny that the Planning Commission is empowered to act in the capacity of the Design Assistance Committee. However, the appellant alleges in his appeal that the Planning Commission does not have the authority to grant exceptions as stated in Section 3.40

B.5 of the Trinidad Area Plan (TAP) where the prescriptive standard for siting design for structures can be met by an alternative design. The appellant cites to Section 3.40 B.5 which states:

"New development proposed within Coastal Scenic and/or Coastal View Areas which cannot satisfy the prescriptive standards listed in Section 3.40 B.3 & 4, respectively shall be referred to the Design Assistance Committee." (emphasis added)

The Homan subdivision meets all of the siting design criteria in 3.40.B.3 but one pertaining to building setbacks. This design standard in Section 3.40B.3.c.3 states:

"Setbacks from property lines and public roads shall be no less than 50 feet from a public road, nor 230 feet from a property line. In areas significantly developed, 50% or greater, where setbacks shall be the average of the setbacks of existing structures." (emphasis added)

The 230 foot setback from property lines reference mentioned above has been previously identified as a typographic error in the plan text and should read "30 feet" (Note: this exact provision was correctly reflected in the North Coast Area Plan also adopted in 1990). Further, the Homan subdivision is located in an area where more than 50% of the surrounding properties are developed. While the "average setback" accommodate would typically apply to neighborhoods where a further reduction below the prescriptive setback of 50 feet from a public road and 30 feet from property line might be sought, this is not the case as the Homan neighborhood consists of large lots and average building setbacks much larger than the prescriptive standard. The setback averages calculated in this area were:

Front yard setback	89 feet;
Rear yard setback	149 feet;
Side yard setback	137 feet.

Applying these setback minimums to a two-acre parcel proposing a hypothetical 40-foot by 40-foot structure would result in a parcel 314 feet wide and 278 feet deep. While it is physically possible to meet the standards on a two-acre parcel, the project site is constrained by riparian and wetland buffers as well as geologic setbacks limiting developable areas. To apply these average setbacks to the creation of the new parcels on the Homan property would greatly affect the size, shape and layout of the subdivision lots. Further, by allowing this one exception, the subdivision can be approved with six parcels where the potential for nine parcels exists and still remain compatible with the goals and objectives of the TAP.

The appellant states "It is not appropriate to apply these sections to cases where project alternatives are available that would meet the prescriptive standards. These sections apply to cases where an existing lot is constrained such that it cannot be developed for its planned use consistent with TAP standards." The appellant further argues that if the Planning Commission were permitted to grant this flexibility to siting design standards it would "clearly violate the letter and spirit of the Coastal Act."

Staff disagrees. First, the Coastal Act provisions in Public Resources Code Section 30251 incorporated by reference into the TAP provide the framework for the Coastal Scenic provisions at issue:

"30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as

those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting."

This language does not specify a minimum building setback standard from roads or property lines nor does it restrict the application of policy to existing lots or where project alternatives are not available. Instead the key provisions call for the protection of coastal views, minimization of alterations to landforms, and visual compatibility with the character of surrounding area. For areas of high scenic value, characterized as Coastal Scenic by the TAP, such development must be subordinate to the character of the setting.

Second, the language of the TAP itself is not restricted to existing lots or where there is no other feasible alternative. According to Section 3.40 B.5 (Design Assistance Committee) of the TAP states:

"New development proposed within Coastal Scenic and/or Coastal View Areas which cannot satisfy the prescriptive standards listed in Section 3.40 B. 3 & 4, respectively shall be referred to the Design Assistance Committee. The Design Assistance Committee, as defined in the implementation phase of the Local Coastal Program, shall ensure that the proposed development is compatible with the goals and objectives of this plan," (emphasis added)

Were it the intent of the County to apply this provision to new development on only existing lots or where there were no other feasible alternative this section would have included wording to this effect. However, the language used is "new development proposed within the Coastal Scenic and/or Coastal View areas". This language uses no such limiting wording.

Lastly, Section 3.40 B.3.d of the TAP states:

"d. Proposed development which cannot satisfy these prescriptive standards but is in conformance and compatible with the goals and objectives of this section and the Area Plan, may be submitted to the Design Committee for review and approval."

Again, the language governing development in Coastal Scenic Areas echo the exception allowance in Section 3.40 B.5 above that grants to the Design Assistance Committee. In this case, the Planning Commission, as hearing officer, where no committee has been formed by the Board of Supervisors pursuant to Section 313-19.1.4 of the Zoning Regulations (Authority and Composition of the Design Review Committee), the authority to grant relief from the siting design standards when it finds the exception to be "in conformance and compatible with the goals and objectives of this section and the Area Plan."

This was the approach taken by the Planning Commission with respect to the average setback exception. Findings for approval (3.40 B.5.a - k) made by the Planning Commission are listed below with explanations of each.

- a. Consistency and compatibility with applicable elements of the County's General Plan. Project complies - see Planning Commission staff report General Plan Consistency discussion beginning on page 35.
- b. Alteration of natural landforms caused by cutting, filling, grading or clearing necessary for a building site is minimized and, as appropriate, integrated with the project. Project complies - see Planning Commission staff report Visual Resources discussion beginning on page 38.

- c. That setbacks from roads and property lines are appropriate to protect the scenic and visual qualities of the site. Project complies - see Planning Commission staff report Visual Resources discussion beginning on page 38.
- d. Exterior lighting is compatible with the surroundings and is not directed beyond the boundaries of the parcel. Project complies - see Planning Commission staff report, item 4, on page 39.
- e. Vegetation common to the area should be used to integrate the manmade with the natural environment, to screen and soften the visual impact. Project complies - see Planning Commission staff report, item 6, on page 39.
- f. Where feasible, new and existing utilities should be underground. When above-ground facilities are the only alternative, they should be as unobtrusive as possible. Project complies - new utilities associated with the subdivision will be located underground; existing overhead utilities will be relocated underground where feasible.
- g. Off-premise signs, which are needed to direct visitors to commercial recreation as permitted in the Area Plan, shall be attractively designed in keeping with the surroundings and clustered at appropriate locations. Such clustered signs should have a single design theme. Project complies - no off-premise signs are proposed.
- h. Timber harvest and activities related to timber management exempt from CDF regulations shall conform to timber harvesting visual standards for Special Treatment Areas. Project complies - see Planning Commission staff report, item 7, on page 40.
- i. Where views from public roads to the coast or coastal waterways are of concern, the height, width and setbacks from roads and parcel lines shall be considered to retain as much of the existing view as possible. Project complies - see Planning Commission staff report Visual Resources discussion beginning on page 38.
- j. Views from public trails, beaches or public recreation areas into the development site shall also be considered. Project complies - see Planning Commission staff report Visual Resources discussion beginning on page 38.
- k. Solar collectors for on-site use shall be exempt from this review. Not applicable.

Staff finds that the above findings can be made and that the Planning Commission is authorized to determine that the proposed development is compatible with the goals and objectives of the TAP.

In addition to the above findings for approval, Planning staff received referral comments on August 28, 2015 via email from the California Coastal Commission in response to the appeal (Attachment F). In the email, the Commission states that it is their understanding that the majority of the issues raised in their comment letter dated November 13, 2014 have been addressed. These issues include the authority of the Planning Commission raised by the appellant. The letter does, however, make recommendation that the Board of Supervisors in its consideration of the appeal consider adding additional conditions to assure that development on the proposed lots be subordinate to the character of the area, including views from public vantage points such as Trinidad Head. While it is understood that future homestead development on the lots created by the Homan subdivision will require the new owner to obtain a separate coastal development permit before proceeding with development, Planning staff acknowledges that adding clarity to the Development Plan prepared the subdivision map used to guide these applications as to how these protections will be applied is worthy of attention. Accordingly, the Planning staff has

drafted with the agreement of the applicant clarifying wording which will ensure that future development is subordinate to the character of the surrounding area. Staff is recommending that this additional language be added to the Development Plan (Condition number 7.B) to read as follows:

(10) "To ensure that future development is subordinate to the surrounding area consistent with the Trinidad Area Plan (TAP), the following measures shall be implemented during the Coastal Development Permit and Design Review process for Lots 4 and 5:

- (a) No trees shall be removed within 100 feet of the southerly property line of Lot 4 or within 50 feet of the eastern property line of Lot 5 unless the visual analysis determines that the remaining trees and vegetation provides significant screening from public viewpoints, or if such trees are deemed a hazard by a qualified forestry professional or arborist.
- (b) The highest point of a structure shall not exceed 30 feet vertically measured from the highest point of the foundation, nor 35 feet from the lowest point of the foundation. If it is determined that a proposed structure will not be subordinate to the surrounding area, further height reductions may be necessary.
- (c) Structures shall be painted with dark earth tones.
- (d) A visual resources impact analysis shall be required in order to assure that the structure will be subordinate to the surrounding area. This analysis requires that story poles be erected to create an accurate silhouette of the proposed project. In addition, any visible glazing identified in the analysis shall use anti-glare treatment."

It is recommended that the Board include this condition wording in their action to deny the appeal and grant approval of the Homan Final Map Subdivision and Coastal Development Permit.

FINANCIAL IMPACT: There may be an effect on the General Fund. The appellant has paid in full the appeal fee associated with this appeal. Any costs incurred by this appeal that exceed the applicant's appeal fee will be covered by the Current Planning Division's FY 2015-16 General Fund Allocation.

OTHER AGENCY INVOLVEMENT: The project was referred to the applicable referral agencies for comments and recommendations. The Draft Mitigated Negative Declaration was circulated to State agencies pursuant to the California Environmental Quality Act. The California Coastal Commission was contacted and submitted comments on the appeal (Attachment F).

ALTERNATIVES TO STAFF RECOMMENDATIONS: The Board of Supervisors can uphold the appeal and deny the project. This alternative should be implemented if the Board is unable to make all of the required findings. Planning Division staff has found that the required findings can be made. Consequently, staff does not recommend further consideration of this alternative.

ATTACHMENTS:

NOTE: The attachments supporting this report have been provided to the Board of Supervisors; copies are available for review in the Clerk of the Board's Office.

- Attachment A: Appeal letter submitted by Robert Vogel
- Attachment B: Resolution of the Planning Commission, Resolution No. 15-21
- Attachment C: Planning Commission Staff Report
- Attachment D: Planning Commission Supplemental Information Items #1, #2, #3 and #4
- Attachment E: Section 3.40 of the Trinidad Area Plan
- Attachment F: Email from Coastal Commission dated August 28, 2015



EXHIBIT A

DEPARTMENT OF PUBLIC WORKS

COUNTY OF HUMBOLDT

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

AVIATION

839-5401

PUBLIC WORKS BUILDING
SECOND & L ST., EUREKA
FAX 445-7409

ADMINISTRATION 445-7491
BUSINESS 445-7652
ENGINEERING 445-7377
FACILITY MAINTENANCE 445-7493

NATURAL RESOURCES 445-7741
NATURAL RESOURCES PLANNING 267-6540
PARKS 445-7651
ROADS & EQUIPMENT MAINTENANCE 445-7421

CLARK COMPLEX
HARRIS & H ST., EUREKA
FAX 445-7388

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Trevor Estlow, Senior Planner

FROM: Robert W. Bronkall, Deputy Director *RB*

RE: SUBDIVISION REQUIREMENTS - IN THE MATTER OF THE
APPLICATION OF HOMAN, APN 515-191-037, FMS-08-02, CDP-08-025
FOR APPROVAL OF A TENTATIVE MAP, CONSISTING OF 19 ACRES
INTO 6 LOTS

DATE: 11/14/2014
10/06/2015 revised by Board of Supervisors

The following requirements and standards are applicable to this project and must be completed to the specifications and satisfaction of the Department of Public Works (Department) before the subdivision map may be filed with the County Recorder. If there has been a substantial change in the project since the last date shown above, an amended report must be obtained and used in lieu of this report. Prior to commencing the improvements indicated below, please contact the Subdivision Inspector at 445-7205 to schedule a pre-construction conference.

These recommendations are based on the tentative map prepared by LACO Associates dated 09/08/2014, and dated as received by the Humboldt County Planning Division on 10/16/2014.

NOTE: All correspondence (letters, memos, faxes, construction drawings, reports, studies, etc.) with this Department must include the Assessor Parcel Number (APN) shown above.

READ THE ENTIRE REPORT BEFORE COMMENCING WORK ON THE PROJECT

1.0 MAPPING

- 1.1 **EXPIRATION OF TENTATIVE MAP:** Applicant is advised to contact the Planning & Building Department to determine the expiration date of the tentative map and what time extension(s), if any, are applicable to the project. Applicant is responsible for the timely filing of time extension requests to the Planning & Building Department.

Applicant is responsible for completing all of the subdivision requirements prior to expiration of the tentative map. Applicant is advised to promptly address all of the subdivision requirements in order to avoid the tentative map expiring prior to completion of the subdivision requirements. Applicants are encouraged to contact a land development professional for advice on developing a realistic schedule for the processing of the project.

- 1.2 **MAP TYPE:** Applicant must cause to be filed a subdivision map showing monumentation of all property corners to the satisfaction of this Department in compliance with Humboldt County Code Section 326-15. Subdivision map checking fees shall be paid in full at the time the subdivision map is submitted for checking. County Recorder fees shall be paid prior to submittal of the map to the County Recorder for filing. The subdivision map must be prepared by a Land Surveyor licensed by the State of California -or- by a Civil Engineer registered by the State of California who is authorized to practice land surveying.

All Department charges associated with this project must be paid in full prior to the subdivision map being submitted to the County Recorder for filing.

Applicant shall submit to this Department four (4) full-size copies of the subdivision map as filed by the County Recorder.

Prior to submitting the subdivision map to the County Surveyor for map check, applicant shall submit the subdivision map to the utility providers to provide input on necessary public utility easements. Copies of the responses from the utility providers shall be included with the first submittal of the subdivision map to the County Surveyor.

- 1.3 **DEPOSIT:** Applicant shall be required to place a security deposit with this Department for inspection and administration fees as per Humboldt County Code Section 326-13 prior to review of the improvement plans, review of the subdivision map, or the construction of improvements, whichever occurs first.
- 1.4 **EASEMENTS:** All easements that encumber or are appurtenant to the subdivision shall be shown graphically on the subdivision map. Those easements that do not have a metes and bounds description shall be noted on the subdivision map and shown as to their approximate location.
- 1.5 **FURTHER SUBDIVISION:** At least some of the parcels may be further divided; therefore, the applicant shall conform to Humboldt County Code Section 323-6(a)(5), Statements to Accompany a Tentative Subdivision Map.
- 1.6 **DEDICATIONS:** The following shall be dedicated on the subdivision map, or other document as approved by this Department:

(a) **ANDERSON LANE (3N500):**

Public Road: Applicant shall cause to be dedicated on the subdivision map to the County of Humboldt an easement for public road purposes lying within 25 feet of the center line of the County road. The applicant is only responsible to cause to be dedicated lands that are included within the boundary of the proposed subdivision.

Culverts & Bridges: In addition, the access easement shall include a 50 foot wide strip centered on the existing creek/stream/river for a length of 50 feet.

Slopes: When cut and fill slopes adjacent to the road are proposed (or currently exist), applicant shall cause to be dedicated to the County of Humboldt a slope maintenance easement to a point 10 feet beyond the toe of fill slopes or top of cut slopes in a manner approved by this Department. The applicant is only responsible to cause to be dedicated lands that are included within the boundary of the proposed subdivision.

PUE: Applicant shall cause to be dedicated to the County of Humboldt on the subdivision map a 10 foot wide public utility easement (PUE) adjacent to the right of way for the road or as otherwise approved by this Department. Additional PUEs shall be dedicated in a manner, width, and location approved by this Department.

(b) STAGECOACH ROAD (3N400):

Public Road: Applicant shall cause to be dedicated on the subdivision map to the County of Humboldt an easement for public road purposes lying within 25 feet of the center line of the County road. The applicant is only responsible to cause to be dedicated lands that are included within the boundary of the proposed subdivision.

Culverts & Bridges: In addition, the access easement shall include a 50 foot wide strip centered on the existing creek/stream/river for a length of 50 feet.

PUE: Applicant shall cause to be dedicated to the County of Humboldt on the subdivision map a 10 foot wide public utility easement (PUE) adjacent to the right of way for the road or as otherwise approved by this Department. Additional PUEs shall be dedicated in a manner, width, and location approved by this Department.

The applicant shall cause to be dedicated to the County of Humboldt a PUE over the entire area of the access easement for the road.

Slopes: When cut and fill slopes adjacent to the road are proposed (or currently exist), applicant shall cause to be dedicated a slope maintenance easement to a point 10 feet beyond the toe of fill slopes or top of cut slopes. Said easement shall be for the benefit of the parcels/lots within the subdivision and shall be dedicated in manner, width, and location as approved by this Department.

(c) UNNAMED ACCESS ROAD:

Access: Applicant shall cause to be dedicated on the subdivision map a non-exclusive easement for ingress, egress, and public utilities for the benefit of the parcels/lots within the subdivision in a manner approved by this Department. The easement shall be 40 feet in width.

A turn-around area shall be provided at the end of road as shown on the tentative map, or as otherwise approved by the Department.

PUE: Applicant shall cause to be dedicated to the County of Humboldt on the subdivision map a 10 foot wide public utility easement (PUE) adjacent to the right of way for the road or as otherwise approved by this Department. Additional PUEs shall be dedicated in a manner, width, and location approved by this Department.

The applicant shall cause to be dedicated to the County of Humboldt a PUE over the entire area of the access easement for the road.

Slopes: When cut and fill slopes adjacent to the road are proposed (or currently exist), applicant shall cause to be dedicated a slope maintenance easement to a point 10 feet beyond the toe of fill slopes or top of cut slopes. Said easement shall be for the benefit of the parcels/lots within the subdivision and shall be dedicated in manner, width, and location as approved by this Department.

- (d) **DEVELOPMENT RIGHTS:** Applicant shall cause to be conveyed to the County of Humboldt the rights to construct a secondary dwelling unit(s) on lots 4, 5, and 6 until such time as UNNAMED ACCESS ROAD is improved to a minimum Category 4 road standard. This shall be noted on the development plan to be filed with the Planning & Building Department. A notice of the development plan must be recorded. The content of the notice must be in a manner approved by this Department.
- (e) **SUBDIVISION RIGHTS:** Applicant shall cause lots 4, 5, and 6 to be conveyed to the County of Humboldt the rights to further subdivide the lots created by this subdivision until such time as UNNAMED ACCESS ROAD is improved to a minimum standards outlined in the fire safe regulations. Per Fire Safe Regulations, a category 3 road is required for roads serving 3 to 8 parcels; a category 4 road is required for roads serving 9 or more parcels. This shall be noted on the development plan to be filed with the Planning & Building Department. A notice of the development plan must be recorded. The content of the notice must be in a manner approved by this Department.
- (f) **NON-VEHICULAR ACCESS:** Applicant shall cause to be dedicated to the County of Humboldt on the subdivision map a 1 foot wide non-vehicular access strip adjacent to lot 2 on Stagecoach Road and adjacent to lot 2 and lot 3 on Anderson Lane. The location shall be as shown on the tentative map, or as otherwise approved by this Department. Said easement shall be dedicated in manner and location as approved by this Department.
- (g) **NEIGHBORHOOD BOX UNIT (NBU) MAILBOXES:** Prior to submittal of the subdivision map, provide a sign-off from the Post Office on the location of the neighborhood box unit. Applicant shall cause to be dedicated on the subdivision map additional easement(s) as necessary to accommodate the NBU.

Note: The Post Office may not require a NBU for this project.

2.0 IMPROVEMENTS

- 2.1 **CONSTRUCTION PLANS:** Construction plans shall be submitted for any required road, drainage, landscaping, and pedestrian improvements. Construction plans must be prepared by a Civil Engineer registered by the State of California. Construction plans shall be on a sheet

size of 22" x 34", unless approved otherwise by this Department. Construction of the improvements shall not commence until authorized by this Department. This Department will require the submittal of 1 full size (22" x 34") set and 1 reduced (11" x 17") set of the approved construction plans prior to start of work.

The construction plans shall show the location of all proposed new utilities and any existing utilities within 10 feet of the improvements. The plans shall be signed as approved by the local fire response agency and public utility companies having any facilities within the subdivision prior to construction authorization by this Department.

Construction plans shall be tied into elevation datum approved by this Department.

Unless otherwise waived by this Department, record drawing ("As-Built") plans shall be submitted for any road, drainage, landscaping, and pedestrian improvements that are constructed as part of this project. Record drawing plans must be prepared by a Civil Engineer registered by the State of California. Once approved by this Department, one (1) set of "wet stamped" record drawings on 22" x 34" mylar sheets shall be filed with this Department.

- 2.2 **CONSTRUCTION PERIOD:** Construction of improvements for this project will not be allowed to occur between October 15 and April 15 without permission of this Department.
- 2.3 **ROAD NAMES:** The access road to lots 2, 3, 4, 5, and 6 shall be named as approved by the Planning & Building Department - Planning Division.
- 2.4 **TRAFFIC CONTROL DEVICES:** Street name and traffic control devices may need to be placed as required and approved by this Department. Signage and pavement marking per the current MUTCD shall be required at the intersection of the UNNAMED ACCESS ROAD and Anderson Lane.
- 2.5 **ACCESS ROADS:** The surface of the access road(s) shall conform to the *Structural Section* requirements within this document. The access road(s) serving the subdivision shall be constructed to the satisfaction of this Department as follows:
- (a) All intersections (including driveways) must conform to Humboldt County Code Section 341 regarding visibility. This will require the removal of some trees to achieve improved visibility.
 - (b) The intersection of the subdivision access road and the County road shall be constructed in conformance with the standards for a private road intersection as illustrated in Caltrans standards.
- When the County road is paved, the access road shall be paved for a minimum of 50 feet from the edge of the County road.
- (c) **ANDERSON LANE (3N500):** Along the frontage of the subject property, Anderson Lane is paved approximately 17 feet wide. Along the frontage of the property, applicant shall widen the road to 18 feet wide (paved) with 2 foot wide bladed shoulders on each side. Applicant shall construct drainage swales and/or ditches as required by the

Department. The Department can support a flexible design to preserve as many trees as possible.

(d) ~~**STAGECOACH ROAD (3N400):** Along the frontage of the subject property, Stagecoach Road varies in width from approximately 18 feet to 23 feet. Along the frontage of the property, applicant shall widen the road to 20 feet (paved) with 5 foot wide-bladed shoulders on the east side. Applicant shall construct drainage swales and/or ditches as required by the Department. It is the intent that no trees will be removed for road widening. However, trees may need to be removed to construct the residential driveway to lot 1. [This item was deleted by the Board of Supervisors on 10/03/2015, subject to Cal Fire approval.]~~

(e) The **UNNAMED ACCESS ROAD** will serve approximately 7 Lots, onsite and offsite. The road shall be constructed as a Category 4 road from Anderson Lane to the lot 3 driveway. The remainder of the road shall be constructed as a Category 3 road being paved 16 feet wide with 2 foot wide bladed shoulders on each side.

A paved turnaround conforming to Fire Safe Regulations shall be constructed as shown on the Tentative Map, subject to Cal Fire approval.

(f) The access road from a County maintained road to the subject property; and all access road(s) (including driveways) within the subject property, shall be certified by a Civil Engineer registered by the State of California to be in conformance with SRA Fire Safe Regulations as adopted by the County of Humboldt; in conformance with any exceptions approved by the Director of Building & Planning Department of the County of Humboldt; and in conformance with any exceptions approved by Cal Fire. Conformance shall include, but is not limited to: width of traveled way; roadway grade; curve radius; roadway surface; turnouts; turnaround areas; and maximum length of dead-end road. Certification shall be made in a manner approved by this Department.

In the event that the Civil Engineer is unable to certify that the road(s) are in conformance, the applicant shall cause construction plans to be prepared by a Civil Engineer that show what improvements need to be constructed to bring the road(s) into conformance. The plans shall be submitted for review by this Department. Once the construction plans are authorized for construction by the Department and the applicant constructs the improvements, the engineer shall certify that the road(s) are in conformance.

(g) Nothing is intended to prevent the applicant from constructing the improvements to a greater standard.

(h) Nothing is intended to prevent this Department from approving alternate typical sections, structural sections, drainage systems, and road geometrics based upon sound engineering principals as contained in, but not limited to, the Humboldt County Roadway Design Manual, Caltrans Highway Design Manual, Caltrans Local Programs Manual, Caltrans Traffic Manual, California Manual on Uniform Traffic Control Devices (MUTCD), and AASHTO's A Policy of Geometric Design of Highways and Streets (AKA "The Green Book"). Engineering must not be in conflict with Humboldt County Code or County adopted guidelines and policies.

- 2.6 **DRIVEWAYS:** All access openings (existing and proposed) shall conform to Humboldt County Code Section 341 regarding visibility. All access openings (existing and proposed) shall intersect the road at a 90° angle, unless otherwise approved by this Department.

All access openings (existing and proposed) shall be paved with hot mix ("asphalt") for the width of the driveway and a distance of 25 feet from the edge of the County road.

Any proposed access openings to the County road will require encroachment permits from this Department. The proposed access openings will be evaluated after application is received.

All access openings (existing and proposed) shall be shown on the improvement plans.

- 2.7 **STRUCTURAL SECTION:** The access road(s) shall be constructed to a structural section recommended in the soils report and as approved by this Department.

- (a) **For paved road surfaces,** the structural section shall include a minimum of 0.2 foot of Caltrans Type B hot mix ("asphalt") over 0.67 foot of Caltrans Class 2 aggregate base. If required by this Department, the structural section of all roads shall be determined by Caltrans R-Value method using a Traffic Index (T.I.) approved by this Department. Based upon soil conditions, this Department may also require a geotextile fabric to be placed on top of the sub grade.

When widening hot mix ("asphalt") roads, the widened road shall be paved with hot mix. A sawcut is required to ensure a uniform joint between the existing and new pavements. The location of the sawcut shall be approved by this Department based upon the condition of the existing road surface.

- (b) Access roads and driveways may include decorative accent treatments such as, but not limited to, stamped concrete or decorative brick pavers. Decorative accent treatments must provide appropriate traction for pedestrians, bicycles, and vehicles. **Decorative access treatments are not permitted within the public right of way, unless approved in writing by this Department.**

- 2.8 **UNKNOWN IMPROVEMENTS:** Other on-site and/or off-site improvements may be required which cannot be determined from the tentative map and/or preliminary improvement plans at this time. These improvements will be determined after more complete improvement plans and profiles have been submitted to the County for review.

- 2.9 **UTILITIES:** The proposed improvements may require the undergrounding or relocation of existing facilities at the expense of the applicant. Undergrounding of existing facilities, relocation of existing facilities, or construction of new facilities shall be completed prior to constructing the structural section for the roadway.

If any utilities are required to be installed as a condition of tentative map, the utility work shall be completed prior to constructing the structural section for the road. All laterals shall be extended onto each lot and marked in a manner that they will be easily located at the time of individual hookups. A letter of completion of all work from each involved utility company

shall be submitted prior to constructing the roadway structural section. Any utilities that need to be relocated shall be done solely at the subdivider's expense.

Applicant shall remove any abandoned utilities (natural gas, electrical, cable tv, etc.) within the public right of way fronting the subdivision or within the subdivision as directed by this Department.

2.10 **PERMITS:** An encroachment permit is required to be obtained prior to construction from this Department for all work within the right of way of a County maintained road.

2.11 **NEIGHBORHOOD BOX UNIT (NBU) MAILBOXES.** When clustered mailboxes (neighborhood box units) are required by the Post Office, applicant shall obtain approval for the location of the mailbox unit from the Post Master. The pad for the mailbox unit shall be constructed as part of the subdivision and shall be encompassed by a sidewalk easement or other easement, as approved by this Department.

Note: The Post Office may not require a NBU for this project.

2.12 **GATES:** Gates are not permitted on County right of way for public roads without authorization of the Board of Supervisors. Gates must not create a traffic hazard and must provide an appropriate turnaround in front of the gate. Existing gates shall be evaluated for conformance.

2.13 **PHASING:** The project proposes two (2) phases. Roadway improvements shall be completed for all roads within or adjacent to each phase.

- Phase 1 will include frontage improvements to Anderson Lane within the limits of the subject property; frontage improvements to Stagecoach Road within limits of the subject property; and improvements to the unnamed access road adjacent to lot 2 and 3 up to the northerly line of lot 3.

- Phase 2 will include remainder of improvements.

2.14 **SHARED DRIVEWAYS (OPTIONAL):** Due to terrain, the applicant may wish to make a common driveway that serves lots 4 and 5.

3.0 DRAINAGE

3.1 **DRAINAGE ISSUES:** Applicant shall be responsible to correct any involved drainage problems associated with the subdivision to the satisfaction of this Department.

3.2 **DRAINAGE REPORT:** Applicant must submit a complete hydraulic report and drainage plan regarding the subdivision for review and approval by this Department. This may require the construction of drainage facilities on-site and/or off-site in a manner and location approved by this Department.

4.0 GRADING

- 4.1 **SOILS REPORT:** Pursuant to Humboldt County Code Section 331-14 (E)(5), applicant shall provide a soils engineering report that addresses the entire subdivision. The report shall include sufficient detail to enable the Building Official to issue building permits for each lot within the subdivision.

Pursuant to Humboldt County Code Section 331-14 (H)(6)(b)(3), the Applicant shall file a copy of the soils engineering report with the Chief Building Official

- 4.2 **GRADING PLAN:** It is optional for the applicant to grade building pads as part of the project.

Applicant shall demonstrate that driveways to potential building pads can be built in conformance with County Visibility Obstruction Regulations (Humboldt County Code Section 314-1 et seq.) and Protection and Control of County Roads (Humboldt County Code Section 411-1 et seq.). If the project is located within the State Responsibility Area (SRA), applicant shall demonstrate that the driveway also complies with SRA requirements (Humboldt County Code Section 3111-1 et seq.).

- 4.3 **CONSTRUCTION TIMING:** Grading within the subdivision or off-site rights of way shall **not** occur prior to approval of a grading plan by this Department. Construction of improvements or grading for this project will not be allowed to occur between October 15 and April 15 without permission of this Department.

- 4.4 **DATUM:** Grading plans shall be tied into elevation datum approved by this Department.

- 4.5 **EROSION CONTROL:** Pursuant to Humboldt County Code Section 331-14 (H)(6)(d)(1), an erosion control plan (aka, sediment control plan, Storm Water Pollution Prevention Plan, etc.) addressing erosion from storm water runoff and wind shall accompany the grading plan.

For construction sites equal to or greater than one (1) acre, a Notice of Intent (NOI) and permit registration documents are required to be filed with the State Water Quality Control Board. A copy of the State's receipt of the approved NOI shall be provided to this Department prior to the start of construction.

5.0 MAINTENANCE

- 5.1 **MAINTENANCE OF IMPROVEMENTS:** The improvements to be constructed as part of this subdivision will not be maintained by the County. Pursuant to Humboldt County Code Section 323-2 (b) regarding Private Lanes, the Applicant must provide a permanent maintenance plan acceptable to this Department for all improvements including, but not limited to, the following: roads, drainage systems (pipes, drainage inlets, detention basins), pedestrian facilities, and landscape areas. An engineer's estimate for the cost of yearly maintenance must be approved by this Department. Maintenance shall be provided by a maintenance association, district, or other means as approved by this Department. More than one maintenance plan may be needed

Based upon the tentative map, it appears that the following will need to be maintained by a maintenance plan:

- A maintenance plan for the non-county maintained road known as UNNAMED ACCESS ROAD.

If a maintenance association currently exists for the access road, applicant shall attempt to the satisfaction of this Department to annex the subdivision into the existing road maintenance association. That portion of this condition regarding road maintenance may be waived if the applicant provides evidence satisfactory to this Department that the subject property already belongs to a maintenance association for the access road(s).

A maintenance plan is not required for driveways; as driveways serve only one parcel. A maintenance plan is *optional* for roads that serve only two parcels. A maintenance plan is required for roads serving three or more parcels.

6.0 DEVELOPMENT PLAN

<NONE>

7.0 LANDSCAPING

<NONE>

// END //

ATTACHMENT 1
Revised* Conditions of Approval for Subdivision
***Revised per Board of Supervisors meeting on October 6, 2015**

APPROVAL OF THE TENTATIVE MAP IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE FINAL MAP MAY BE RECORDED:

1. All taxes to which the property is subject shall be paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the parcel or final map to satisfy this condition. This requirement will be administered by the Department of Public Works.
- *2. The conditions on the enclosed Department of Public Works referral dated ~~November 14, 2014~~ **October 6, 2015 revised by Board of Supervisors** shall be completed or secured to the satisfaction of that department. Prior to performing any work on the improvements, contact the Land Use Division of the Department of Public Works.
3. The Planning Division requires that two (2) copies of the Final Map be submitted for review and approval. Gross and net lot area shall be shown for each lot or parcel.
4. A map revision fee as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$96 per parcel) as required by the County Assessor's Office shall be paid to the Planning Division, 3015 H Street, Eureka. The check shall be made payable to the "Humboldt County Planning Division". The fee is required to cover the Assessor's cost in updating the parcel boundaries.
5. A review fee for Conformance with Conditions as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$95.00) shall be paid to the Planning Division, 3015 "H" Street, Eureka. This fee is a deposit, and if actual review costs exceed this amount, additional fees will be billed at the County's current burdened hourly rate. Please see Informational Note 1 below for suggestions to minimize the cost for this review.
6. The applicant shall comply with the provisions of Section 321-14 of the Humboldt County Code concerning reapportionment or payment of special assessments.
7. The applicant shall submit three (3) copies of a Development Plan for all parcels to the Planning Department for review and approval. The map shall be drawn to scale and give detailed specifications as to the development and improvement of the site, and the following site development details:
 - A. Mapping
 - (1) Details showing conformance with provisions of the County's Fire Safe Regulations (Section 3111-1 et seq. H.C.C.), including but not limited to:
 - a. Road and driveway access standards (i.e., road width, roadway surface, roadway grades, roadway structures, etc.)

- b. Signing and building numbering standards (i.e., road name signs, building address signs, etc.)
 - c. Emergency water standards (i.e., placement of fire hydrants, 2,500 gallon individual emergency water supply, etc.)
 - d. Fuel modification standards (i.e., setbacks for structure defensible space of at least 30 feet, greenbelts, etc.).
- (2) Details showing conformance with road and driveway access standards (i.e., road width, roadway surface, roadway grades, roadway structures, turnaround, etc.) per the requirements of the Department of Public Works – Land Use Division (LUD) (see memo dated November 14, 2014).
 - (3) Development standards for all parcels: existing buildings, building sites, setbacks, maximum lot coverage, maximum building height, four (4) parking spaces for each parcel independently accessible and outside the front yard setbacks per Section 313-109.1 HCC and Appendix §4-2(a) of the Subdivision Regulations.
 - (4) Existing roadway Improvements, reserved right-of-ways, all existing structures, utility lines and easements, areas of major vegetation, and limits of tree removal.
 - (5) Road improvements and turnarounds, location of fire water storage, utilities, and easements required by this subdivision. If applicable, areas of on-site drainage detention shall also be shown.
 - (6) Location of geological hazard/non-buildable areas per Fault Evaluation Report prepared by LACO Associates dated March 2008.
 - (7) Location of a riparian buffer and wetland buffer along the unnamed stream. These areas shall be labeled "non-buildable". Location of a split rail fence or other symbolic wildlife friendly fencing along the SMA/Wetland Buffer.
 - (8) Topography of the land in 2-foot contours.
 - (9) The location of all waterline easements.
 - (10) Location of 50' tree preservation buffer along Stagecoach and Anderson Lane.
- B. Notes to be Placed on the Development Plan:

- (1) "All flammable vegetation and fuels caused by site development and construction, road and driveway construction, and fuel modification shall be disposed of by chipping, burying, burning or removal to a landfill site approved by the County."
- (2) "To ensure continued compliance, property owners are responsible for annual maintenance of the parcels to Fire Safe and wildfire protection standards as required for those items listed under A(1) of the Development Plan Details, above. Compliance with these provisions is subject to inspection by the California Department of Forestry and Fire Protection."
- (3) "The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in "state responsibility" designated areas. Exceptions to the 30-foot setback requirement may be pursued upon

demonstration of providing the "same practical effect" of the setback through a combination of construction material choices, non-flammable vegetative buffers, and other design features. Contact the Planning and Building Department for further information."

- (4) "The project site is not located within an area where known cultural resources have been located. However, as there exists the possibility that undiscovered cultural resources may be encountered during construction activities, the following mitigation measures are required under state and federal law:
 - If cultural resources are encountered, all work must cease and a qualified cultural resources specialist contacted to analyze the significance of the find and formulate further mitigation (e.g., project relocation, excavation plan, protective cover).
 - Pursuant to California Health and Safety Code §7050.5, if human remains are encountered, all work must cease and the County Coroner contacted."
- (5) "Development within the Riparian Corridor shall be limited to the uses as listed in Section 3.30 of the Trinidad Area Plan (TAP). Please contact the Planning Division at 445-7541 prior to commencing any new development in the mapped Streamside Management Area."
- (6) "All development shall conform to the recommendations of the Fault Evaluation Report prepared for the project by LACO Associates dated December 2008. Site specific soils and/or geologic reports may be required as part of a future building permit application if a building is proposed to be located outside of the area identified in the Geotechnical Report for the project."
- (7) "Road access and turnaround area shall be consistent with the County's Fire Safe Ordinance Regulations."
- (8) "The mapped 50 foot buffer along Stagecoach Road and Anderson Lane is intended to minimize the removal of large trees and provide a visual buffer. Only trees that are deemed a hazard by a qualified forestry professional or arborist can be removed within this buffer."
- (9) "No second unit shall be authorized or constructed on Lot No. 6 unless an on-site wastewater suitability study is prepared to demonstrate that a specific septic system design will function appropriately to accommodate the additional wastewater on site and the Fault Evaluation Report is amended to include the proposed building site."
- *(10) "To ensure that future development is subordinate to the surrounding area consistent with the Trinidad Area Plan (TAP), the following measures shall be implemented during the Coastal Development Permit and Design Review process for Lots 4 and 5:**
 - (a) No trees shall be removed within 100 feet of the southerly property line of Lot 4, within 50 feet of the western property line of Lot 4, within a circular area with a 75-foot radius centered at the confluence of Lot 6, Lot 2 and the access road, or within 50 feet of the eastern property line of Lot 5 unless the visual analysis determines that the remaining trees and vegetation provides significant screening from public viewpoints, or if such**

trees are deemed a hazard by a qualified forestry professional or arborist. Trees identified on the tentative map to be removed for access improvements and public utility purposes are not subject to these requirements.

- (b) The highest point of a structure shall not exceed 30 feet vertically measured from the highest point of the foundation, nor 35 feet from the lowest point of the foundation. If it is determined that a proposed structure will not be subordinate to the surrounding area, further height reductions may be necessary.
 - (c) Structures shall be painted with dark earth tones.
 - (d) A visual resources impact analysis shall be required in order to assure that the structure will be subordinate to the surrounding area. This analysis requires that story poles be erected to create an accurate silhouette of the proposed project. In addition, any visible glazing identified in the analysis shall use anti-glare treatment."
- 8. The applicant shall cause to be recorded a "Notice of Development Plan and Geologic Report" on forms provided by the Humboldt County Planning Division. Contact the Planning Division for a copy of the required form and instructions. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$295.00 plus applicable recordation fees) will be required. The Development Plan shall also be noticed on the Parcel Map.
 - 9. The property owner shall execute and file with the Planning Division the statement titled "Notice and Acknowledgment Regarding Agricultural Activities in Humboldt County" as required by Section 313-43.2 of the Humboldt County Code. Contact the Planning Division for a copy of the required form.
 - 10. A 2,500 gallon emergency water supply shall be developed for each parcel prior to the recordation of the respective Final Map for each phase. For undeveloped parcels, this requirement may be deferred until issuance of building permit for development on the parcel. A note to this effect shall appear on the Development Plan.
 - 11. The applicant shall convey future development rights to the County of Humboldt for secondary dwelling units on Parcels 4 - 6. Release from this conveyance may be pursued at such time that road access from the County Road to the parcels is upgraded to "Road Category 4" standards. The applicant shall initiate action on a "Conveyance and Agreement" on forms provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$295.00) will be required.
 - 12. Permanent, irreversible water rights and easement shall be shown on the subdivision map and referenced by any deed conveying the parcels shown on the Final Map.
 - 13. The applicant shall furnish the Planning Division with a letter from the Division of Environmental Health indicating that DEH has no objection to the recordation of the Parcel Map.
 - 14. **Prior to public hearing**, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,260.00. [Note: In order to comply with the time limits for filing the Notice of Determination per CEQA, this payment

will be requested from the applicant prior to hearing and will be held by the Planning Division pending a decision on the permit.] Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the Department of Fish and Wildlife (DFW) fee plus a \$50 document handling fee. This fee is effective through December 31, 2015 at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact DFW by phone at (916) 651-0603 or through the DFW website at www.wildlife.ca.gov for a determination stating the project will have no effect on fish and wildlife. If DFW concurs, a form will be provided exempting the project from the \$2,210.00 fee payment requirement. In this instance, only a copy of the DFW form and the \$50.00 handling fee is required.

Note: If a required filing fee is not paid for the project, the project will not be operative, vested or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the State Fish and Game Code).

15. All vegetation/tree removal and subsequent maintenance must be conducted outside of the bird nesting season (generally March 1 – August 15) in order to avoid 'take' as defined and prohibited by Fish and Game Code (FGC) §3503, 3503.5, 3513 and by the Federal Migratory Bird Treaty Act (16 U.S. Code 703 et seq.). If hazard trees must be removed within the breeding season, the Permittee shall consult with CDFW prior to removal in order to assess the potential for take of active bird nests.
16. Completion of the mitigation measures as set forth in Attachment 4 (Mitigated Negative Declaration). The applicant shall be responsible for all staff costs involved in carrying out responsibilities for mitigation. These costs shall be charged using the most current County burdened hourly rate. A deposit may be collected to cover anticipated costs, if required by the Planning Director.
17. The applicant shall obtain a Timberland Conversion Permit from the California Department of Forestry and Fire Protection prior to the removal of any trees.
18. The applicant shall:
 - a) use dust control techniques when excavating to minimize dust problems on adjacent parcels,
 - b) reseed disturbed areas prior to winter rain, and
 - c) take all precautions necessary to avoid the encroachment of dirt or debris on adjacent properties.

In addition, Best Management Practices for erosion and sediment control are to be utilized to minimize construction related impacts. These measures shall include:

- Restricting ground disturbance to the dry season,
- Installation of a silt fence on the downslope perimeter of the construction site,
- Limiting the concentration of runoff and armoring any high velocity discharge areas,
- Prohibiting downslope sidelaying of disturbed soils, and
- Staging of equipment be conducted on paved areas above where possible.

Informational Notes:

1. To minimize costs the applicant is encouraged to bring in written evidence* of compliance with all of the items listed as conditions of approval in this Exhibit that are administered by the Planning Division (Namely: Conditions 3 - 17). The applicant should submit the listed item(s) for review as a package as early as possible before the desired date for final map checking and recordation. Post application assistance by the Planner on Duty, or by the Assigned Planner, with prior appointment, will be subject to a Special Services Fee for planning services billed at the County's current burdened hourly rate with an initial deposit as set forth in the Planning Division's schedule of fees and charges (currently \$95.00). Copies of all required forms and written instructions are included in the final approval packet.

* Each item evidencing compliance except legal documents to be recorded should note in the upper right hand corner:

Assessor's Parcel No. _____, Condition _____.
(Specify) (Specify)

2. If buried archaeological or historical resources are encountered during construction activities, the contractor on-site shall call all work in the immediate area to halt temporarily, and a qualified archaeologist is to be contacted to evaluate the materials. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, dietary bone, and human burials. If human burial is found during construction, state law requires that the County Coroner be contacted immediately. If the remains are found to be those of a Native American, the California Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains.
3. The Coastal Development Permit shall be effective for 24 months to coincide with the tentative parcel map approval. Extension of the permit and map may be secured in accordance with the Humboldt County Code. Please contact the Humboldt County Planning Division for details.